

Exhibit 1

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

WILLIAM M. FLYNN
Chairman
THOMAS J. DUNLEAVY
JAMES D. BENNETT
LEONARD A. WEISS
NEAL N. GALVIN



DAWN JABLONSKI
General Counsel

JANET HAND DEIXLER
Secretary

April 4, 2003

Julie Kaminski Corsig
Davis Wright Tremaine LLP
1500 K Street, Suite 450
Washington, D.C. 2005

Re: Case No. 03-C-0027

Dear Ms. Corsig:

The application, by NextG Networks of NY, Inc. on January 7, 2003, for a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider and reseller of telephone service, without authority to provide local exchange service, is hereby approved. This approval is based upon the accuracy of the information provided in the company's application and may be revoked if the application is found to contain false or misleading information, for failure to file or maintain current tariffs, or for violation of Commission rules and regulations.

The company's tariff, P.S.C. No. 1 – Telephone, is also approved.

The company is not authorized to use its own operators to handle 0- (emergency or non-emergency) calls. Such calls must be routed to another telephone company or operator services provider authorized to handle such calls, until such time as an amended Certificate of Public Convenience and Necessity is obtained pursuant to Part 649.6 of the Commission's rules.

The company must obtain any required consents of municipal authorities before commencing construction of telephone lines. It must also comply with applicable federal laws, New York State Public Service Law and related statutes, and the Commission's rules and regulations.

The company is also required to file a Statement of Gross Intrastate Operating Revenues by March 31 each year. It will be notified in writing each year of the required content and format of this report.

Finally, please complete and return the enclosed, two-page questionnaire to Maria Le Boeuf of our staff within 30 days of receipt of this letter. This information will be added to the directory of telephone companies posted at our website, in order to help consumers search for companies available to meet their telecommunications needs. Any updates or changes should be promptly forwarded as well.

If you have any questions, please contact Maria Le Boeuf at (518) 474-1362.

By direction and delegation
of the Commission,



Allan H. Bausback
Director
Office of Communications

cc: Robert Delsman, Esq.
NextG Networks of NY, Inc.
2033 Gateway Place, Suite 500
San Jose, CA 95110-3709

Enclosure

Exhibit 2

APPROVED MINUTES - Regular Meeting - City Council

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12. Public Hearing for a License Agreement Application submitted by NextG Networks, Inc. for telecommunications access in the Public Rights-of-Way

Corporation Counsel Wilson noted that NextG had received approval from the Board of Architectural Review and were back before the Council for a public hearing and approval to do work in the City rights-of-way.

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried to open the public hearing.

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Joshua Trauner, the Director of Government Services for NextG Networks, said that NextG is a telecommunications company that installs a type of network called a Distributed Antenna System (DAS) which utilizes extremely low powered and small equipment installations on existing telecommunications infrastructure. Councilman Sack noted that the Corporation Counsel had advised that City did not have an option to deny the application or negotiate the fee, but asked if there were any health issues associated with the equipment that would be placed in the right-of-ways. Mr. Trauner said that safety reports have been done on the equipment that show that the radio frequency emissions are less than 1% of the maximum set by the Federal Government. He offered to supply the reports to the Council.

There was no one from the public who wished to speak.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith to adopt the following Resolution:

RESOLVED, that the City Manager and Corporation Counsel are hereby authorized to enter into an Agreement with NextG Networks, Inc. for telecommunications access in the City of Rye Public Rights-of-way.

ROLL CALL:

AYES:	Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack
NAYS:	None
ABSENT:	None

The Resolution was adopted by a 7-0 vote.

Exhibit 3

*City of Rye***RIGHT-OF-WAY USE AGREEMENT**

T HIS RIGHT-OF-WAY USE AGREEMENT (this "Use Agreement") is dated as of February 17 2011 (the "Effective Date"), and entered into by and between the CITY OF RYE, a New York municipal corporation (the "City"), and NEXTG NETWORKS OF NY, INC. a Delaware corporation ("NextG").

RECITALS

A. NextG owns, maintains, operates and controls, in accordance with regulations promulgated by the Federal Communications Commission and the New York State Public Service Commission, a fiber-based telecommunications Network or Networks (as defined below) serving NextG's wireless carrier customers and utilizing microcellular optical repeater Equipment (as defined below) certified by the Federal Communications Commission.

B. For purpose of operating the Network, NextG wishes to locate, place, attach, install, operate, control, and maintain Equipment in the Public Way (as defined below) on facilities owned by the City, as well as on facilities owned by third parties therein.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following covenants, terms, and conditions:

1 DEFINITIONS. The following definitions shall apply generally to the provisions of this Use Agreement:

1.1 City. ("City") shall mean the City of Rye, New York.

1.2 Decorative Streetlight Pole. "Decorative Streetlight Pole" shall mean any streetlight pole that incorporates artistic design elements not typically found in standard steel or aluminum streetlight poles.

1.3 Equipment. "Equipment" means the optical repeaters, DWDM and CWDM multiplexers, antennas, fiber optic cables, wires, and related equipment, whether referred to singly or collectively, to be installed and operated by NextG hereunder. Examples of typical Equipment types and installation configurations are shown in the drawings and photographs attached hereto as Exhibit A and incorporated herein by reference.

1.4 Fee. "Fee" means any assessment, license, charge, fee, imposition, tax, or levy of general application to entities doing business in the City lawfully imposed by any governmental body (but excluding any utility users' tax, franchise fees, communications tax, or similar tax or fee).

1.5 Gross Revenue. "Gross Revenue" shall mean and include any and all income and other consideration collected, received, or in any manner gained or derived by NextG from or in connection with, the provision of RF telecommunication transport services, either directly by NextG or indirectly through a reseller, if any, to customers of such services wholly consummated within the

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City, including any imputed revenue derived from commercial trades and barter equivalent to the full retail value of goods and services provided by NextG. "Adjusted Gross Revenue" shall include offset for: (a) sales, ad valorem, or other types of "add-on" taxes, levies, or fees calculated by gross receipts or gross revenues which might have to be paid to or collected for federal, state, or local government (exclusive of the Municipal Facilities Annual Fee paid to the City provided herein); (b) retail discounts or other promotions; (c) non-collectable amounts due NextG or its customers; (d) refunds or rebates; and (e) non-operating revenues such as interest income or gain from the sale of an asset.

1.6 ILEC. "ILEC" means the Incumbent Local Exchange Carrier that provides basic telephone services, among other telecommunications services, to the residents of the City.

1.7 Installation Date. "Installation Date" shall mean the date that the first Equipment is installed by NextG pursuant to this Use Agreement.

1.8 Laws. "Laws" means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, certificates, orders, or other requirements of the City or other governmental agency having joint or several jurisdiction over the parties to this Use Agreement.

1.9 Municipal Facilities. "Municipal Facilities" means City-owned Streetlight Poles, Decorative Streetlight Poles, lighting fixtures, electroliers, or other City-owned structures located within the Public Way and may refer to such facilities in the singular or plural, as appropriate to the context in which used.

1.10 Network. "Network" or collectively "Networks" means one or more of the neutral-host, protocol-agnostic, fiber-based optical repeater networks operated by NextG to serve its wireless carrier customers in the City.

1.11 NextG. "NextG" means NextG Networks of NY, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and its lawful successors, assigns, and transferees.

1.12 Public Way. "Public Way" means the space in, upon, above, along, across, and over the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places, including all public utility easements and public service easements as the same now or may hereafter exist, that are under the jurisdiction of the City. This term shall not include county, state, or federal rights of way or any property owned by any person or entity other than the City, except as provided by applicable Laws or pursuant to an agreement between the City and any such person or entity.

1.13 PSC. "PSC" means the New York State Public Service Commission.

1.14 Services. "Services" means the RF transport and other telecommunications services provided through the Network by NextG to its wireless carrier customers pursuant to one or more tariffs filed with and regulated by the PSC.

1.15 Streetlight Pole. "Streetlight Pole" shall mean any standard-design concrete, fiberglass, metal, or wooden pole used for streetlighting purposes.

2 TERM. This Use Agreement shall be effective as of the Effective Date and shall extend for a term of ten (10) years commencing on the Installation Date, unless it is earlier terminated by either party in accordance with the provisions herein. The term of this Use Agreement shall be renewed automatically

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for three (3) successive terms of five (5) years each on the same terms and conditions as set forth herein, unless NextG notifies the City of its intention not to renew not less than thirty (30) calendar days prior to commencement of the relevant renewal term.

3 SCOPE OF USE AGREEMENT. Any and all rights expressly granted to NextG under this Use Agreement, which shall be exercised at NextG's sole cost and expense, shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Way exclusively or concurrently with any other person or entity and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the Public Way. Nothing in this Use Agreement shall be deemed to grant, convey, create, or vest in NextG a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Use Agreement shall be subject to the reasonable prior review and approval of the City except that it is agreed that no zoning or planning board permit, variance, conditional use permit or site plan permit, or the equivalent under the City's ordinances, codes or laws, shall be required for the installation of NextG's Equipment installed in the Public Way and/or on Municipal Facilities, unless such a process has been required for the placement of all communications facilities and equipment in the Public Way by all other telecommunications providers, including but not limited to the ILEC and local cable provider(s).

3.1 Attachment to Municipal Facilities. The City hereby authorizes and permits NextG to enter upon the Public Way and to locate, place, attach, install, operate, maintain, control, remove, reattach, reinstall, relocate, and replace Equipment in or on Municipal Facilities for the purposes of operating the Network and providing Services. In addition, subject to the provisions of § 4.5 below, NextG shall have the right to draw electricity for the operation of the Equipment from the power source associated with each such attachment to Municipal Facilities. A denial of an application for the attachment of Equipment to Municipal Facilities shall not be based upon the size, quantity, shape, color, weight, configuration, or other physical properties of NextG's Equipment if the Equipment proposed for such application substantially conforms to one of the approved configurations and the Equipment specifications set forth in Exhibit A.

3.2 Attachment to Third-Party Property. Subject to obtaining the permission of the owner(s) of the affected property, the City hereby authorizes and permits NextG to enter upon the Public Way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace such number of Equipment in or on poles or other structures owned by public utility companies or other property owners located within the Public Way as may be permitted by the public utility company or property owner, as the case may be. Upon request, NextG shall furnish to the City evidence that NextG has entered into the appropriate pole-attachment agreement required pursuant to N.Y. C.L.S. Pub. Ser. § 119-a. A denial of an application for the attachment of Equipment to third-party-owned poles or structures in the Public Way shall not be based upon the size, quantity, shape, color, weight, configuration, or other physical properties of NextG's Equipment if the Equipment proposed for such application substantially conforms to one of the approved configurations and the Equipment specifications set forth in Exhibit A. Where third-party property is not available for attachment of Equipment, NextG may install its own utility poles in the Public Way, consistent with the requirements that the City imposes on similar installations made by other utilities that use and occupy the Public Way.

3.3 Preference for Municipal Facilities. In any situation where NextG has a choice of attaching its Equipment to either Municipal Facilities or third-party-owned property in the Public Way, NextG agrees to attach to the Municipal Facilities, provided that (i) such Municipal Facilities are at least equally suitable functionally for the operation of the Network and (ii) the rental fee and installation

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costs associated with such attachment over the length of the term are equal to or less than the fee or cost to NextG of attaching to the alternative third-party-owned property.

3.4 No Interference. NextG in the performance and exercise of its rights and obligations under this Use Agreement shall not interfere in any manner with the existence and operation of any and all public and private rights of way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliers, cable television, and other telecommunications, utility, or municipal property, without the express written approval of the owner or owners of the affected property or properties, except as permitted by applicable Laws or this Use Agreement. The City agrees to require the inclusion of the same or a similar prohibition on interference as that stated above in all agreements and franchises the City may enter into after the Effective Date with other information or communications providers and carriers.

3.5 Compliance with Laws. NextG shall comply with all applicable Laws in the exercise and performance of its rights and obligations under this Use Agreement.

4 COMPENSATION; UTILITY CHARGES. NextG shall be solely responsible for the payment of all lawful Fees in connection with NextG's performance under this Use Agreement, including those set forth below.

4.1 Annual Fee. In order to compensate the City for NextG's entry upon and deployment within the Public Way and as compensation for the use of Municipal Facilities, NextG shall pay to the City an annual fee (the "Annual Fee") in the amount of Five Hundred Dollars (\$500.00) for the use of each Municipal Facility, if any, upon which a Equipment has been installed pursuant to this Use Agreement. The aggregate Annual Fee with respect to each year of the term shall be an amount equal to the number of Equipment installed on Municipal Facilities during the preceding twelve (12) months multiplied by the Annual Fee, prorated as appropriate, and shall be due and payable not later than forty-five (45) days after each anniversary of the Installation Date. The City represents and covenants that the City owns all Municipal Facilities for the use of which it is collecting from NextG the Annual Fee pursuant to this § 4.1.

4.1.1 CPI Adjustment. Effective commencing on the fifth (5th) anniversary of the Installation Date and continuing on each fifth (5th) anniversary thereafter during the term, the Annual Fee with respect to the ensuing five-year period shall be adjusted by a percentage amount equal to the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (All Items, All Urban Consumers, 1982-1984=100) which occurred during the previous five-year period for the New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area (MSA).

4.2 Right-of-Way Use Fee. In order to compensate the City for NextG's entry upon and deployment of Equipment within the Public Way, NextG shall pay to the City, on an annual basis, an amount equal to five percent (5%) of Adjusted Gross Revenues (the "Right-of-Way Fee") payable within thirty (30) days of the Effective Date and on each anniversary thereafter. The Right-of-Way Fee shall be payable for the period commencing with the Effective Date and ending on the date of termination of this Use Agreement. NextG shall make any payment of the Right-of-Way Fee that may be due and owing within forty-five (45) days after the first anniversary of the Effective Date and within the same period after each subsequent anniversary of the Effective Date. Within forty-five (45) days after the termination of this Use Agreement, the Right-of-Way Fee shall be paid for the period elapsing since the end of the last calendar year for which the Right-of-Way Fee has been paid. NextG shall furnish to the City with each payment of the Right-of-Way Fee a statement, executed by an authorized officer of NextG or his or her designee, showing the amount of Adjusted Gross Revenues for the

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period covered by the payment. If NextG discovers any error in the amount of compensation due, the City shall be paid within thirty (30) days of discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise shall be refunded or offset against the next payment due. Acceptance by the City of any payment of the Right-of-Way Fee shall not be deemed to be a waiver by the City of any breach of this Use Agreement occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due or from collecting any balance due to the City.

4.3 Accounting Matters. NextG shall keep accurate books of account at its principal office in San Jose, CA or such other location of its choosing for the purpose of determining the amounts due to the City under §§ 4.1 and 4.2 above. The City may inspect NextG's books of account relative to the City at any time during regular business hours on thirty (30) days' prior written notice and may audit the books from time to time at the City's sole expense, but in each case only to the extent necessary to confirm the accuracy of payments due under § 4.1 above. The City agrees to hold in confidence any non-public information it learns from NextG to the fullest extent permitted by Law.

4.4 Most-Favored Municipality. Should NextG after the parties' execution and delivery of this Agreement enter into an attachment or franchise agreement with another municipality of the same size or smaller than the City in the same County (excluding New York City), which agreement contains financial benefits for such municipality which, taken as a whole and balanced with the other terms of such agreement, are in the City's opinion substantially superior to those in this Agreement, the City shall have the right to require that NextG modify this Use Agreement to incorporate the same or substantially similar superior benefits and such other terms and burdens by substitution, *mutatis mutandis*, of such other agreement or otherwise.

4.5 Electricity Charges. NextG shall be solely responsible for the payment of all electrical utility charges to the applicable utility company based upon the Equipment' usage of electricity and applicable tariffs.

5 CONSTRUCTION. NextG shall comply with all applicable federal, State, and City codes, specifications, and requirements, if any, related to the construction, installation, operation, maintenance, and control of NextG's Equipment installed in the Public Way and on Municipal Facilities in the City. NextG shall not attach, install, maintain, or operate any Equipment in or on the Public Way and/or on Municipal Facilities without the prior approval of the City for each location.

5.1 Obtaining Required Permits. If the attachment, installation, operation, maintenance, or location of the Equipment in the Public Way shall require any permits, NextG shall, if required under applicable City ordinances, apply for the appropriate permits and pay any standard and customary permit fees, so long as the permit fees and process that the City requests of NextG are functionally equivalent to the fees and the process that are applied to the ILEC and/or the cable provider(s). In the case of Third Party attachments (to existing utility infrastructure), NextG agrees to provide the City with a list of proposed attachments in advance of its deployment to the City and, the City agrees to use reasonable efforts to review and approve NextG's list of proposed attachments to Third Party utility infrastructure within thirty (30) days of submission, and if no comment is received within thirty (30) days, the application will be presumed to be acceptable and no further action will be required prior to NextG's installation.

5.2 Location of Equipment. The proposed locations of NextG's planned initial installation of Equipment shall be provided to the City promptly after NextG's review of available street light maps (if applicable) and prior to deployment of the Equipment. Upon the completion of installation,

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NextG promptly shall furnish to the City a pole list showing the exact location of the Equipment in the Public Way.

5.3 Relocation and Displacement of Equipment. NextG understands and acknowledges that the City may require NextG to relocate one or more of its Equipment installations. NextG shall at City's direction relocate such Equipment at NextG's sole cost and expense, whenever the City reasonably determines that the relocation is needed for any of the following purposes: (a) if required for the construction, completion, repair, relocation, or maintenance of a City project; (b) because the Equipment is interfering with or adversely affecting proper operation of City-owned light poles, traffic signals, or other Municipal Facilities; or (c) to protect or preserve the public health or safety. In any such case, the City shall use its best efforts to afford NextG a reasonably equivalent alternate location. If NextG shall fail to relocate any Equipment as requested by the City within a reasonable time under the circumstances in accordance with the foregoing provision, the City shall be entitled to relocate the Equipment at NextG's sole cost and expense, without further notice to NextG. To the extent the City has actual knowledge thereof, the City will attempt promptly to inform NextG of the displacement or removal of any pole on which any Equipment is located.

5.4 Relocations at NextG's Request. In the event NextG desires to relocate any Equipment from one Municipal Facility to another, NextG shall so advise the City. The City will use its best efforts to accommodate NextG by making another reasonably equivalent Municipal Facility available for use in accordance with and subject to the terms and conditions of this Use Agreement.

5.5 Damage to Public Way. Whenever the removal or relocation of Equipment is required or permitted under this Use Agreement, and such removal or relocation shall cause the Public Way to be damaged, NextG, at its sole cost and expense, shall promptly repair and return the Public Way in which the Equipment are located to a safe and satisfactory condition in accordance with applicable Laws, normal wear and tear excepted. If NextG does not repair the site as just described, then the City shall have the option, upon fifteen (15) days' prior written notice to NextG, to perform or cause to be performed such reasonable and necessary work on behalf of NextG and to charge NextG for the proposed costs to be incurred or the actual costs incurred by the City at the City's standard rates. Upon the receipt of a demand for payment by the City, NextG shall promptly reimburse the City for such costs.

6 INDEMNIFICATION AND WAIVER. NextG agrees to indemnify, defend, protect, and hold harmless the City, its council members, officers, and employees from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and costs of defense (collectively, the "Losses") directly or proximately resulting from NextG's activities undertaken pursuant to this Use Agreement, except to the extent arising from or caused by the negligence or willful misconduct of the City, its council or board members, officers, elected trustees, employees, agents, or contractors.

6.1 Waiver of Claims. NextG waives any and all claims, demands, causes of action, and rights it may assert against the City on account of any loss, damage, or injury to any Equipment or any loss or degradation of the Services as a result of any event or occurrence which is beyond the reasonable control of the City.

6.2 Limitation of City's Liability. The City shall be liable only for the cost of repair to damaged Equipment arising from the negligence or willful misconduct of the City, its employees, agents, or contractors and shall in no event be liable to indirect or consequential damages.

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7 INSURANCE. NextG shall obtain and maintain at all times during the term of this Use Agreement Commercial General Liability insurance and Commercial Automobile Liability insurance protecting NextG in an amount not less than One Million Dollars (\$1,000,000) per occurrence (combined single limit), including bodily injury and property damage, and in an amount not less than Two Million Dollars (\$2,000,000) annual aggregate for each personal injury liability and products-completed operations. The Commercial General Liability insurance policy shall name the City, its elected officials, officers, and employees as additional insureds as respects any covered liability arising out of NextG's performance of work under this Use Agreement. Coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein. Claims-made policies are not acceptable. Such insurance shall not be canceled, nor shall the occurrence or aggregate limits set forth above be reduced, until the City has received at least thirty (30) days' advance written notice of such cancellation or change. NextG shall be responsible for notifying the City of such change or cancellation.

7.1 Filing of Certificates and Endorsements. Prior to the commencement of any work pursuant to this Use Agreement, NextG shall file with the City the required original certificate(s) of insurance with endorsements, which shall state the following:

- (a) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured; project name; policy expiration date; and specific coverage amounts;
- (b) that the City shall receive thirty (30) days' prior notice of cancellation;
- (c) that NextG's Commercial General Liability insurance policy is primary as respects any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance; and
- (d) that NextG's Commercial General Liability insurance policy waives any right of recovery the insurance company may have against the City.

The certificate(s) of insurance with endorsements and notices shall be mailed to the City at the address specified in § 8 below.

7.2 Workers' Compensation Insurance. NextG shall obtain and maintain at all times during the term of this Use Agreement statutory workers' compensation and employer's liability insurance in an amount not less than One Million Dollars (\$1,000,000) and shall furnish the City with a certificate showing proof of such coverage.

7.3 Insurer Criteria. Any insurance provider of NextG shall be admitted and authorized to do business in the State of New York and shall carry a minimum rating assigned by A.M. Best & Company's Key Rating Guide of "A" Overall and a Financial Size Category of "X" (i.e., a size of \$500,000,000 to \$750,000,000 based on capital, surplus, and conditional reserves). Insurance policies and certificates issued by non-admitted insurance companies are not acceptable.

7.4 Severability of Interest. Any deductibles or self-insured retentions must be stated on the certificate(s) of insurance, which shall be sent to and approved by the City. "Severability of interest" or "separation of insureds" clauses shall be made a part of the Commercial General Liability and Commercial Automobile Liability policies.

8 NOTICES. All notices which shall or may be given pursuant to this Use Agreement shall be in writing and delivered personally or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid; (b) by means of prepaid overnight delivery service; or (c) by facsimile or email transmission, if a hard copy of the same is followed by delivery through the U. S. mail or by overnight delivery service as just described, addressed as follows:

if to the City:

CITY OF RYE
Attn: Mayor
Rye City Hall
1051 Boston Post Road
Rye, New York 10580

if to NextG:

NEXTG NETWORKS OF NY, INC.
Attn: Contracts Administration
890 Tasman Drive
Milpitas, CA 95035-7439

8.1 *Date of Notices; Changing Notice Address.* Notices shall be deemed given upon receipt in the case of personal delivery, three (3) days after deposit in the mail, or the next business day in the case of facsimile, email, or overnight delivery. Either party may from time to time designate any other address for this purpose by written notice to the other party delivered in the manner set forth above.

9 TERMINATION. This Use Agreement may be terminated by either party upon forty five (45) days' prior written notice to the other party upon a default of any material covenant or term hereof by the other party, which default is not cured within forty-five (45) days of receipt of written notice of default (or, if such default is not curable within forty-five (45) days, if the defaulting party fails to commence such cure within forty-five (45) days or fails thereafter diligently to prosecute such cure to completion), provided that the grace period for any monetary default shall be ten (10) days from receipt of notice. Except as expressly provided herein, the rights granted under this Use Agreement are irrevocable during the term.

10 ASSIGNMENT. This Use Agreement shall not be assigned by NextG without the express written consent of the City, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, the transfer of the rights and obligations of NextG to a parent, subsidiary, or other affiliate of NextG or to any successor in interest or entity acquiring fifty-one percent (51%) or more of NextG's stock or assets (collectively "Exempted Transfers") shall not be deemed an assignment for the purposes of this Agreement and therefore shall not require the consent of the City, provided that NextG reasonably demonstrates to the City's lawfully empowered designee the following criteria (collectively the "Exempted Transfer Criteria"): (i) such transferee will have a financial strength after the proposed transfer at least equal to that of NextG immediately prior to the transfer; (ii) any such transferee assumes all of NextG's obligations hereunder; and (iii) the experience and technical qualifications of the proposed transferee, either alone or together with NextG's management team, in the provision of telecommunications or similar services, evidences an ability to operate the NextG Network. NextG shall give at least thirty (30) days' prior written notice (the "Exempted Transfer Notice") to the City of any such proposed Exempted Transfer and shall set forth with specificity in such Exempted Transfer Notice the reasons why NextG believes the Exempted Transfer Criteria have been satisfied. The City Council of City shall have a period of thirty (30) days (the "Exempted Transfer Evaluation Period") from the date that

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NextG gives the City its Exempted Transfer Notice to object in writing to the adequacy of the evidence contained therein. Notwithstanding the foregoing, the Exempted Transfer Evaluation Period shall not be deemed to have commenced until the City has received from NextG any and all additional information the City may reasonably require in connection with its evaluation of the Exempted Transfer Criteria as set forth in the Exempted Transfer Notice, so long as the City gives NextG notice in writing of the additional information the City requires within fifteen (15) days after the City's receipt of the original Exempted Transfer Notice. If the Council of the City fails to act upon NextG's Exempted Transfer Notice within the Exempted Transfer Evaluation Period (as the same may be extended in accordance with the foregoing provisions), such failure shall be deemed an affirmation by the City Council that NextG has in fact established compliance with the Exempted Transfer Criteria to the City's satisfaction.

11 MISCELLANEOUS PROVISIONS. The provisions which follow shall apply generally to the obligations of the parties under this Use Agreement.

11.1 Environmental Review. NextG's facilities are "unlisted" but functionally equivalent to Type II actions under 6 N.Y.C.R.R. 617.5(c)(11). NextG agrees to comply with any rules pertaining to State Environmental Quality Review and to submit any required environmental forms for the City's review and approval, so long as the review that the City requires is the same that the City requires of all other telecommunications providers, including but not limited to the ILEC and the cable provider(s), for their installation of any facilities or equipment in the Public Way.

11.2 Nonexclusive Use. NextG understands that this Use Agreement does not provide NextG with exclusive use of the Public Way or any Municipal Facility and that the City shall have the right to permit other providers of communications services to install equipment or devices in the Public Way and on Municipal Facilities. The City agrees promptly to notify NextG of the receipt of a proposal for the installation of communications equipment or devices in the Public Way or on Municipal Facilities. In addition, the City agrees to advise other providers of communications services of the presence or planned deployment of the Equipment in the Public Way and/or on Municipal Facilities.

11.3 Waiver of Breach. The waiver by either party of any breach or violation of any provision of this Use Agreement shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Use Agreement.

11.4 Severability of Provisions. If any one or more of the provisions of this Use Agreement shall be held by court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such provision(s) shall be deemed severable from the remaining provisions of this Use Agreement and shall not affect the legality, validity, or constitutionality of the remaining portions of this Use Agreement. Each party hereby declares that it would have entered into this Use Agreement and each provision hereof regardless of whether any one or more provisions may be declared illegal, invalid, or unconstitutional.

11.5 Contacting NextG. NextG shall be available to the staff employees of any City department having jurisdiction over NextG's activities twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints resulting from the attachment, installation, operation, maintenance, or removal of the Equipment. The City may contact by telephone the network control center operator at telephone number 1-866-44-NEXTG (446-3984) regarding such problems or complaints.

11.6 Governing Law; Jurisdiction. This Use Agreement shall be governed and construed by and in accordance with the laws of the State of New York, without reference to its conflicts of law

Right-of-Way Use Agreement
NextG Networks of NY, Inc.
page 9 of 11

principles. If suit is brought by a party to this Use Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of New York, in the County where the City is incorporated or in the United States District Court for the Eastern District of New York.

11.7 Consent Criteria. In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Use Agreement, such party shall not unreasonably delay, condition, or withhold its approval or consent.

11.8 Representations and Warranties. Each of the parties to this Agreement represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform the parties' respective obligations hereunder and that such obligations shall be binding upon such party without the requirement of the approval or consent of any other person or entity in connection herewith, except as provided in § 3.2 above.

11.9 Amendment of Use Agreement. This Use Agreement may not be amended except pursuant to a written instrument signed by both parties.

11.10 Entire Agreement. This Use Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements, or understandings (whether oral or written) between or among the parties relating to the subject matter of this Use Agreement which are not fully expressed herein.

In witness whereof, and in order to bind themselves legally to the terms and conditions of this Use Agreement, the duly authorized representatives of the parties have executed this Use Agreement as of the Effective Date.

City: CITY OF RYE, a New York municipal corporation

By: Scott Pickup

(name typed)

Its: City Manager

Date: February 8, 2011

NextG: NEXTG NETWORKS OF NY, INC., a Delaware Corporation

By: Robert L. Delsman

(name typed)

Its: SVP & General Counsel

Date: February 17, 2011

I HEREBY APPROVE the form and legality of the foregoing Use Agreement this 7th day of February, 2011.

Kristen Wilson, Corporation Counsel

By Kristen Wilson

Deputy City Attorney

Exhibits:

Exhibit A -- Equipment

Approved as to Form
and Legal Sufficiency:

C. D. Hill
Signature/Initials

Date: 2 / 11 / 20 11

Exhibit A

Westchester, NY
Rev 01-19-2010

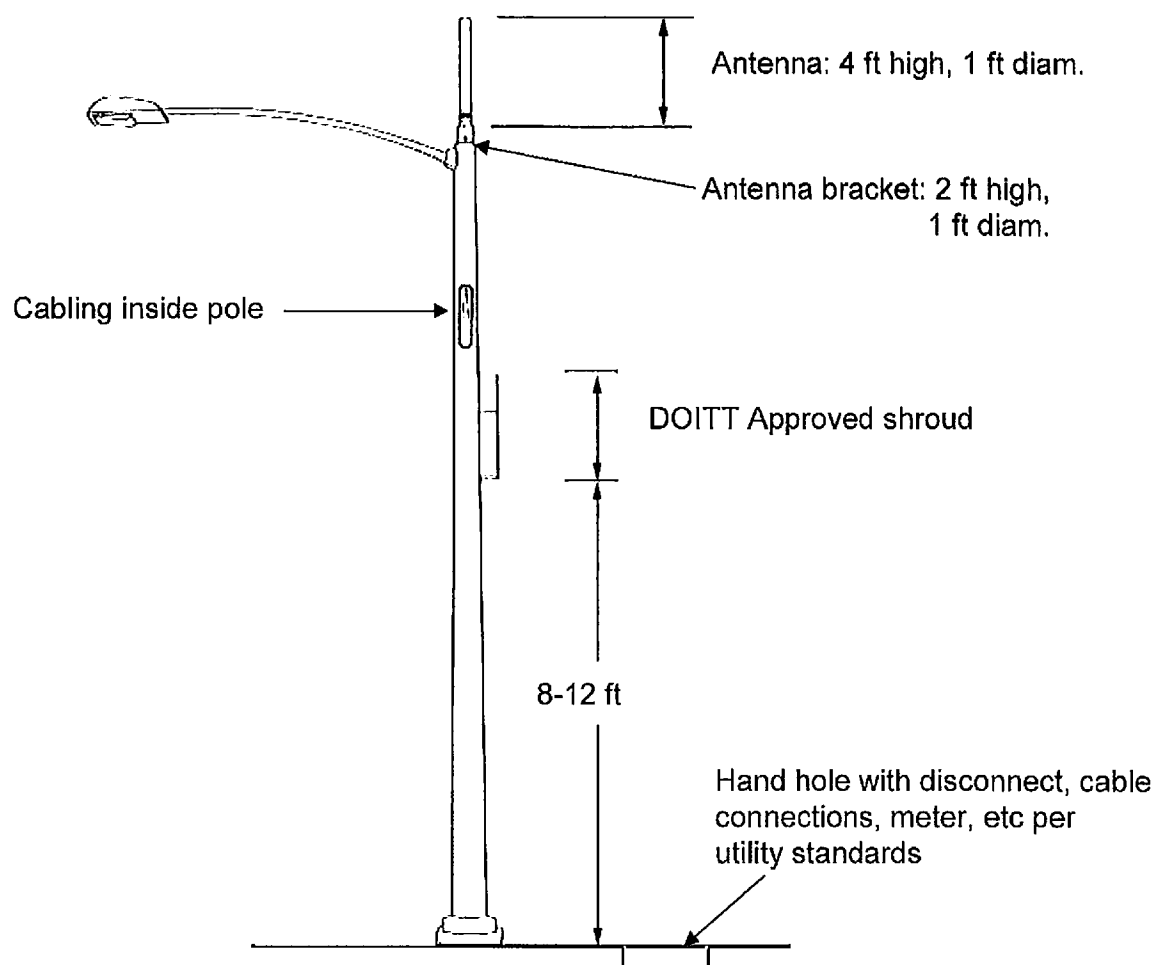


NextG Networks

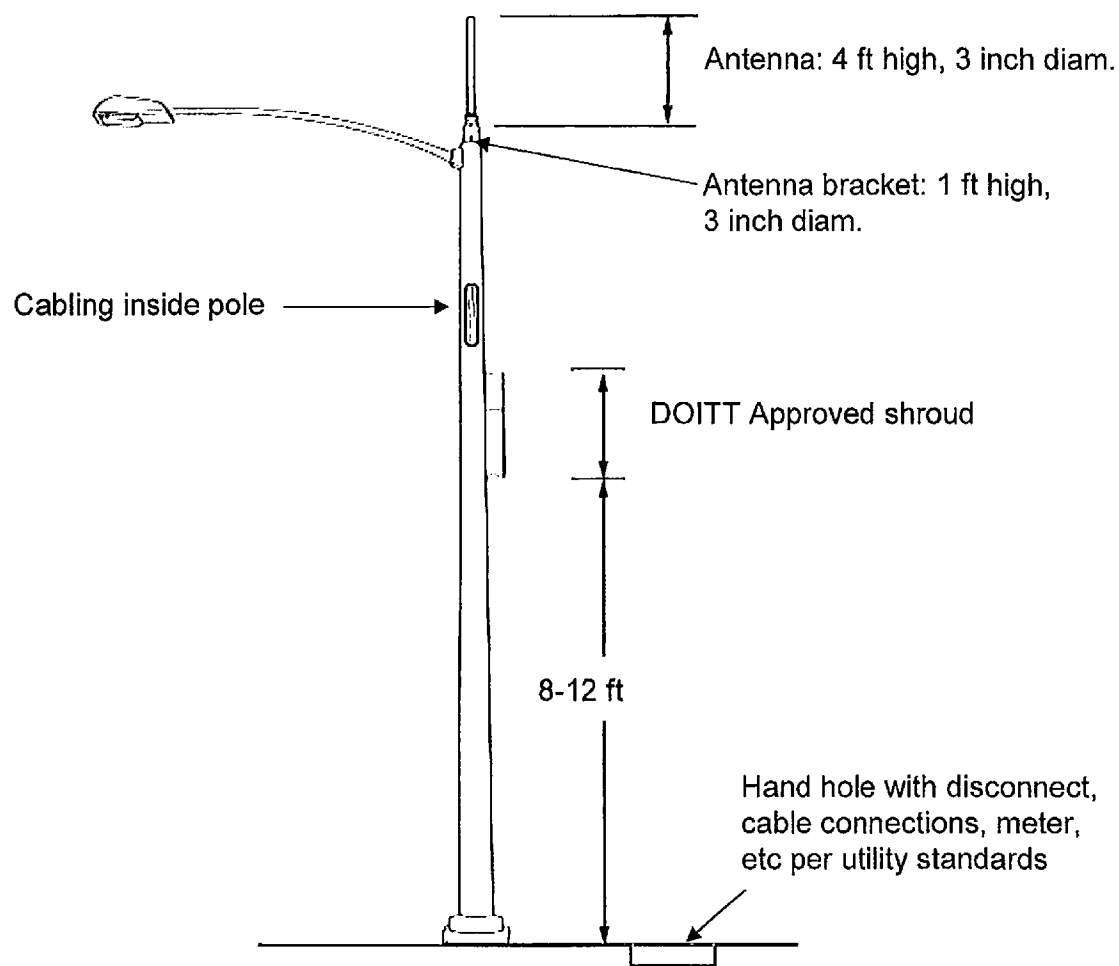
Company Proprietary

Page 1, January 20, 2010

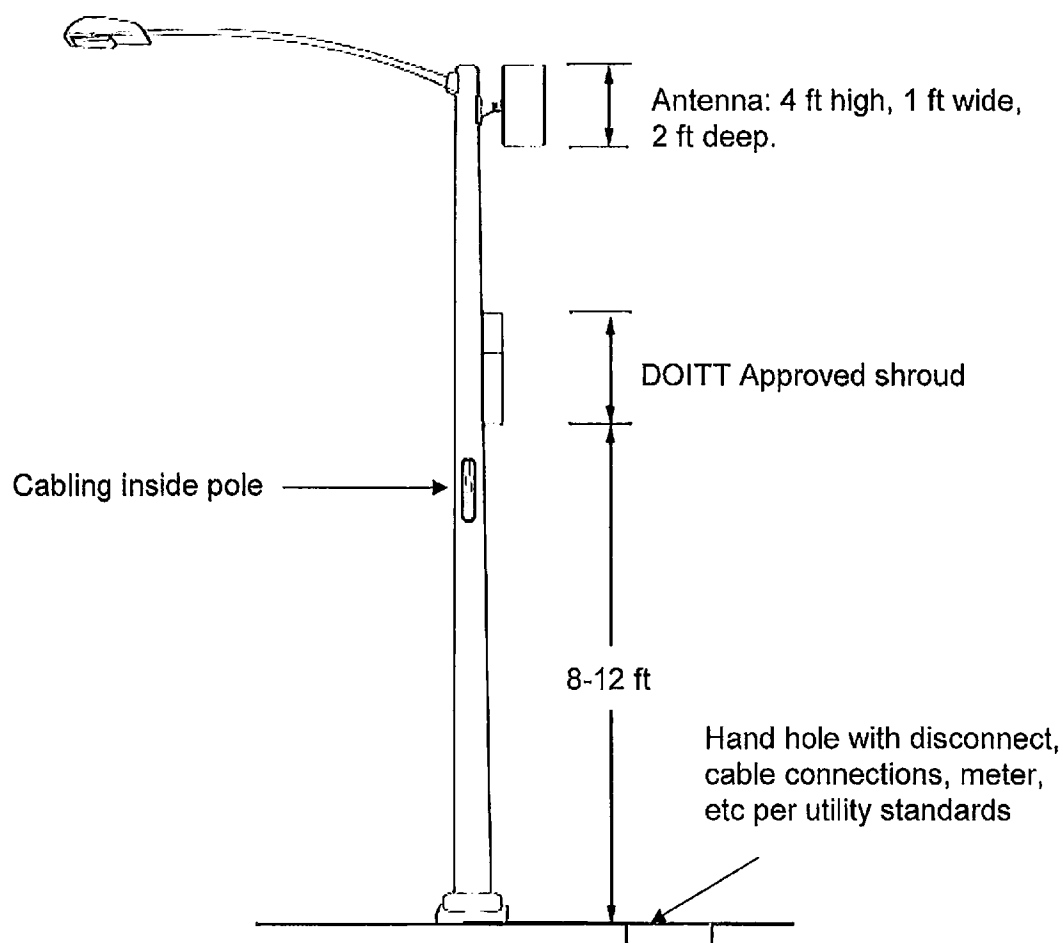
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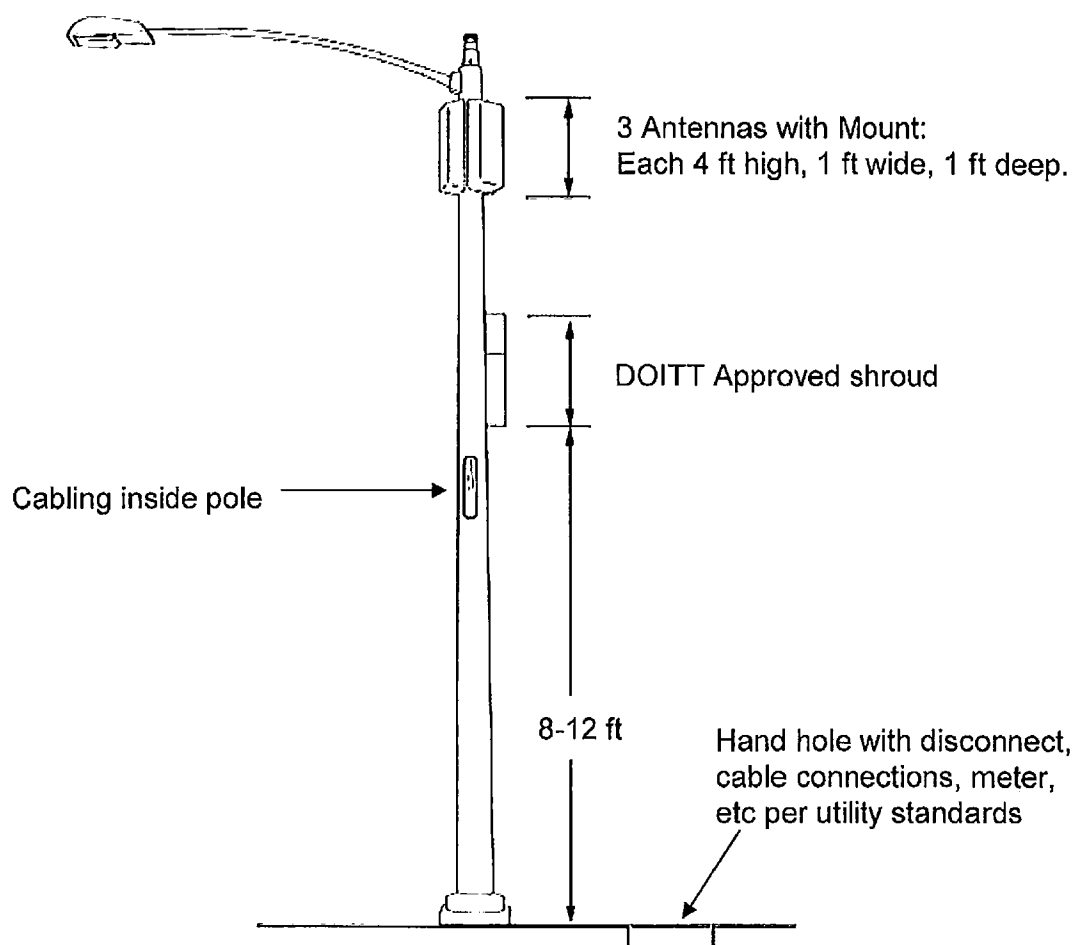
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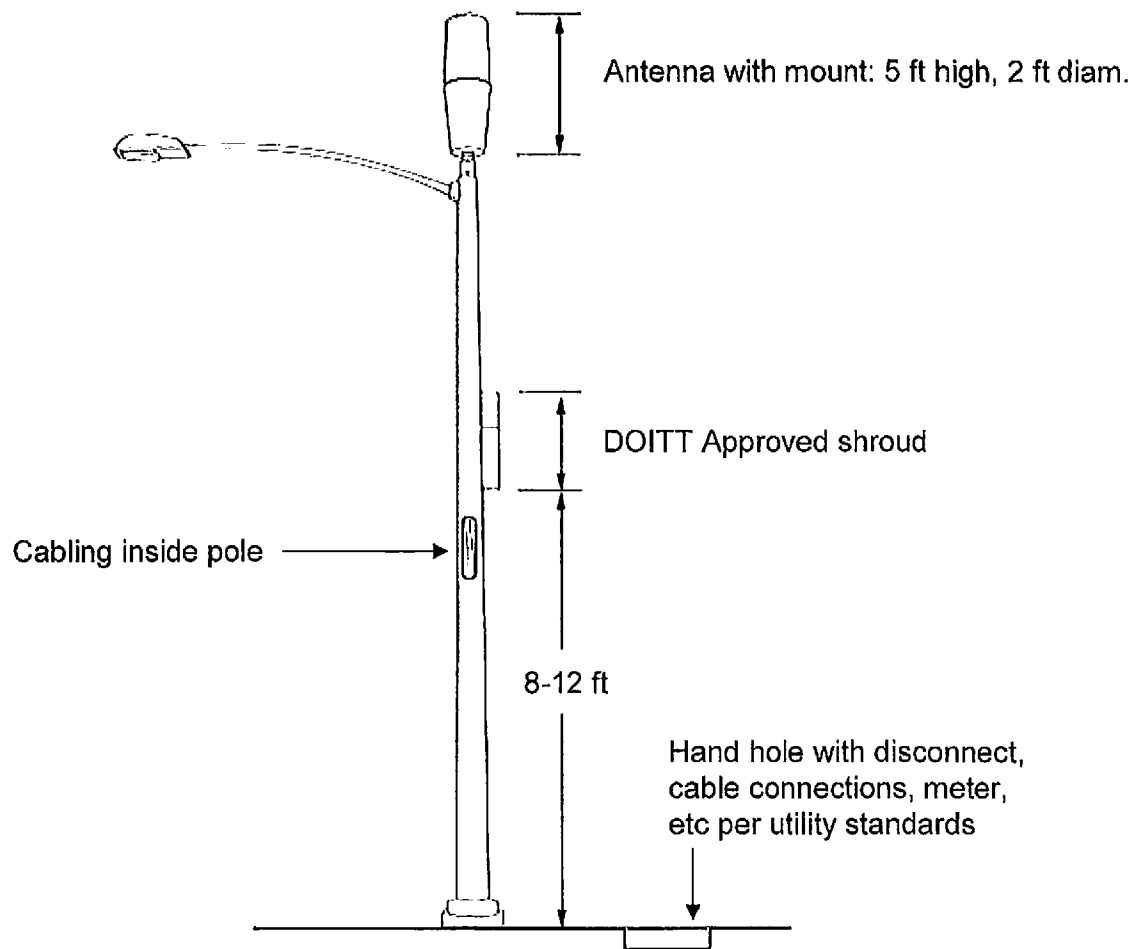
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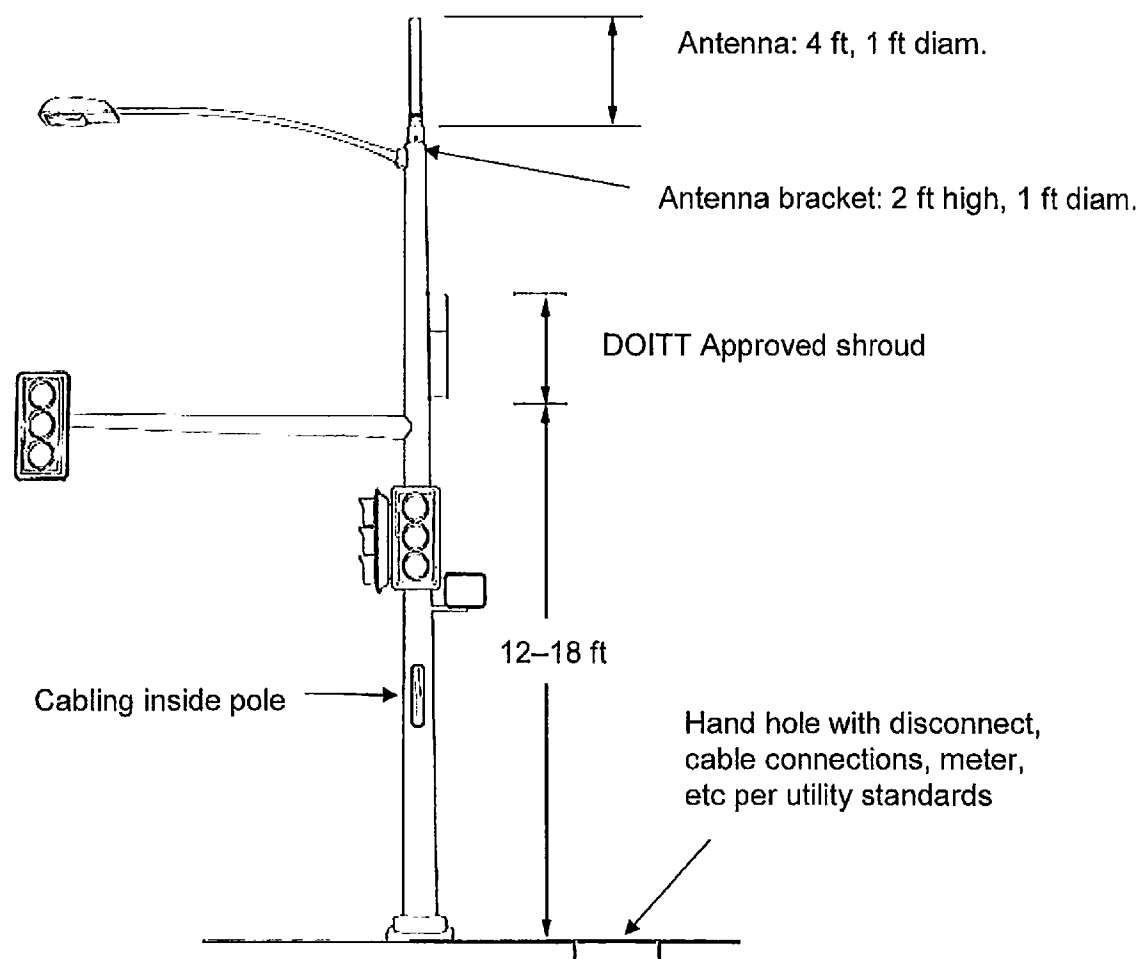
Street Light Pole



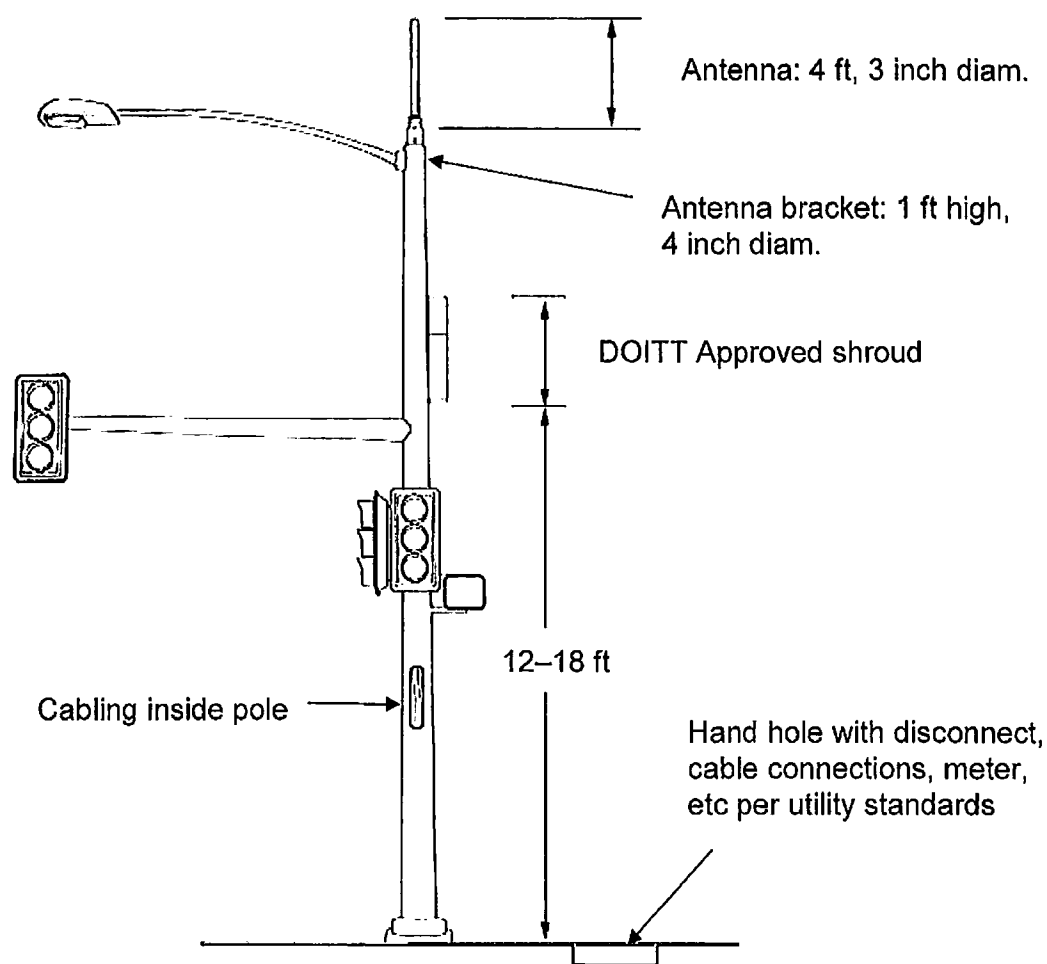
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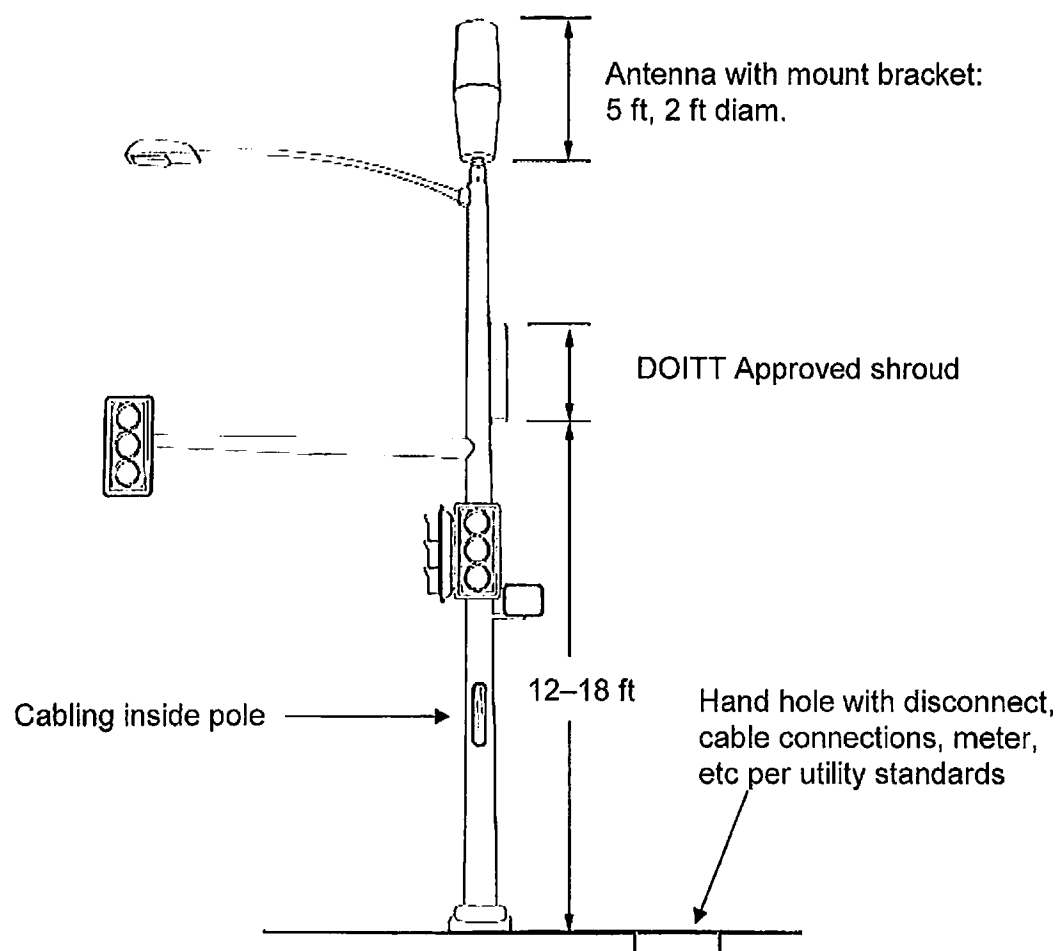
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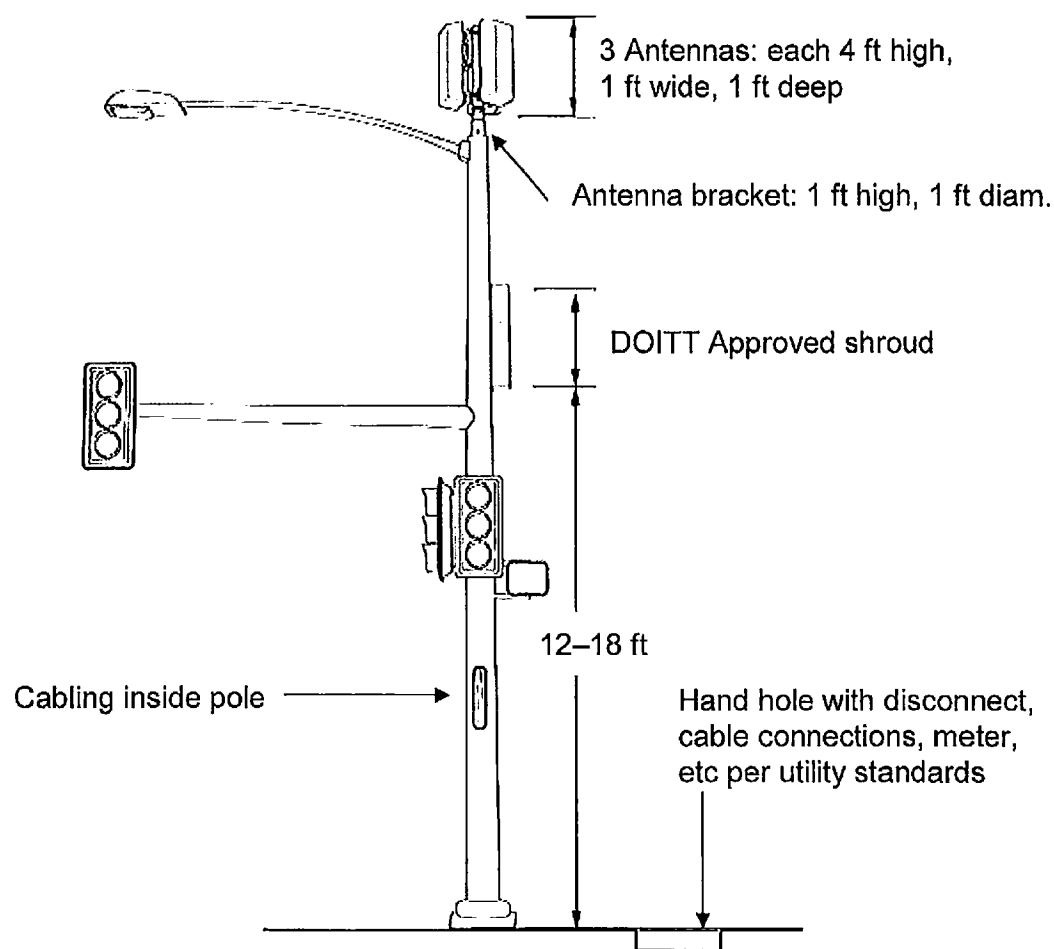
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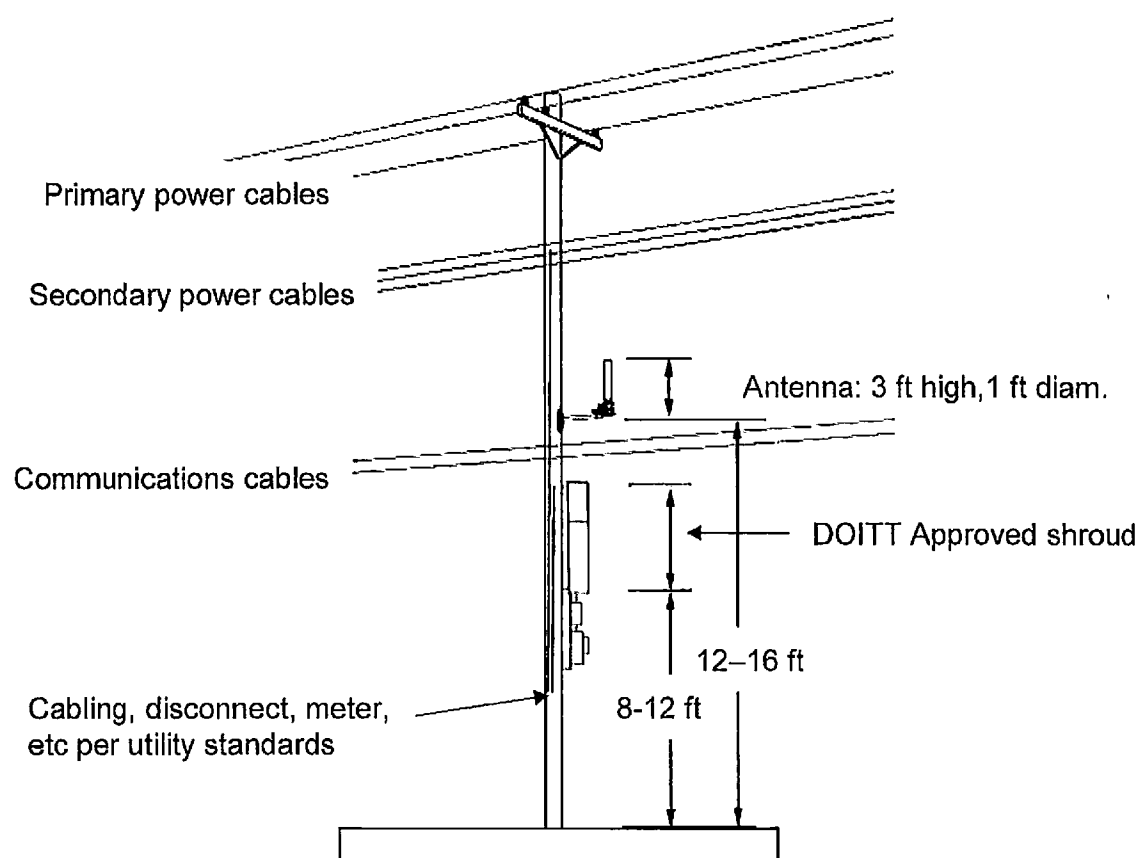
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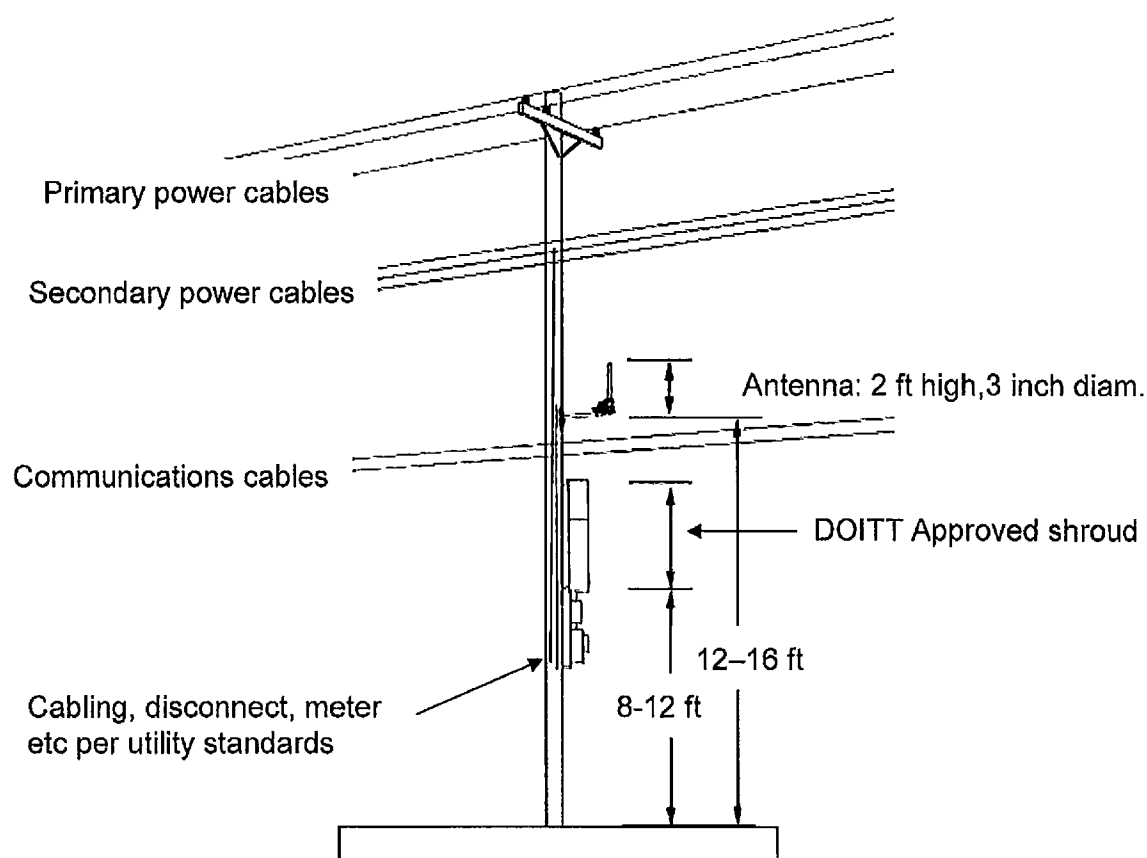
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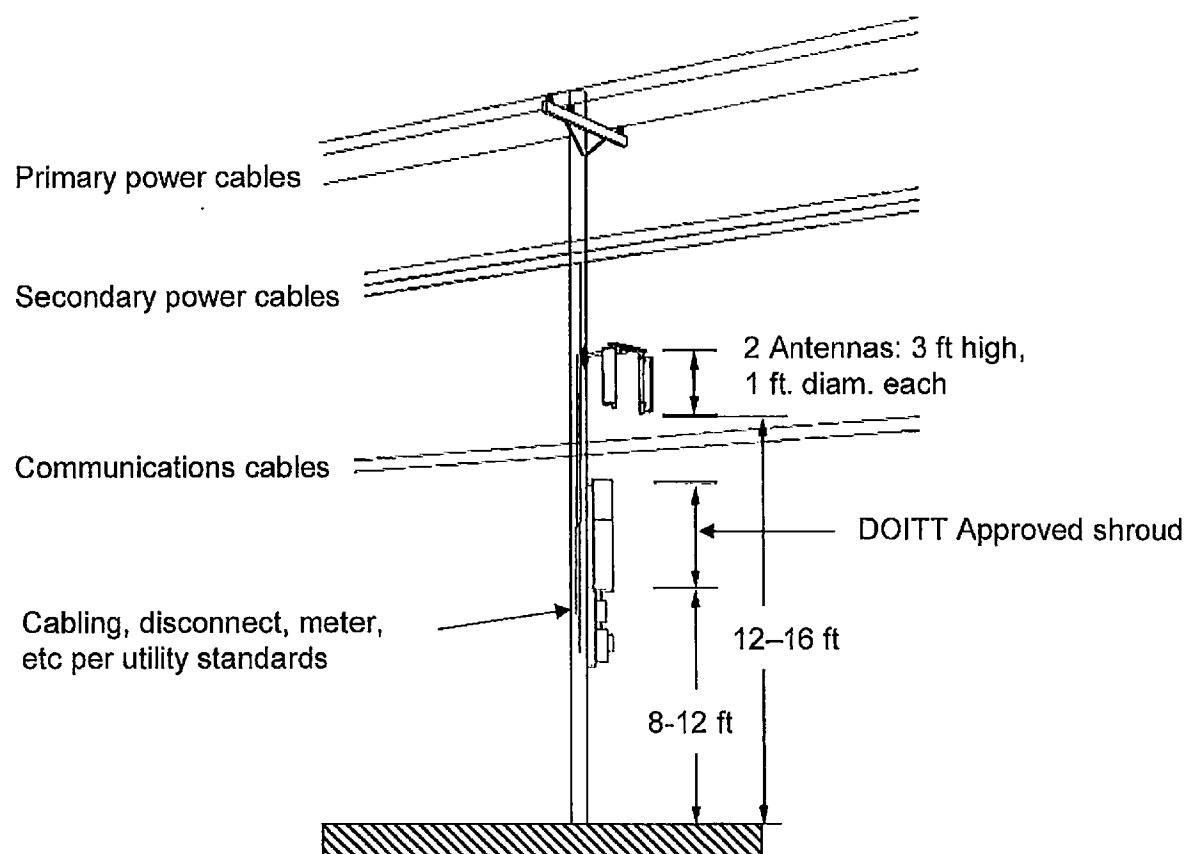
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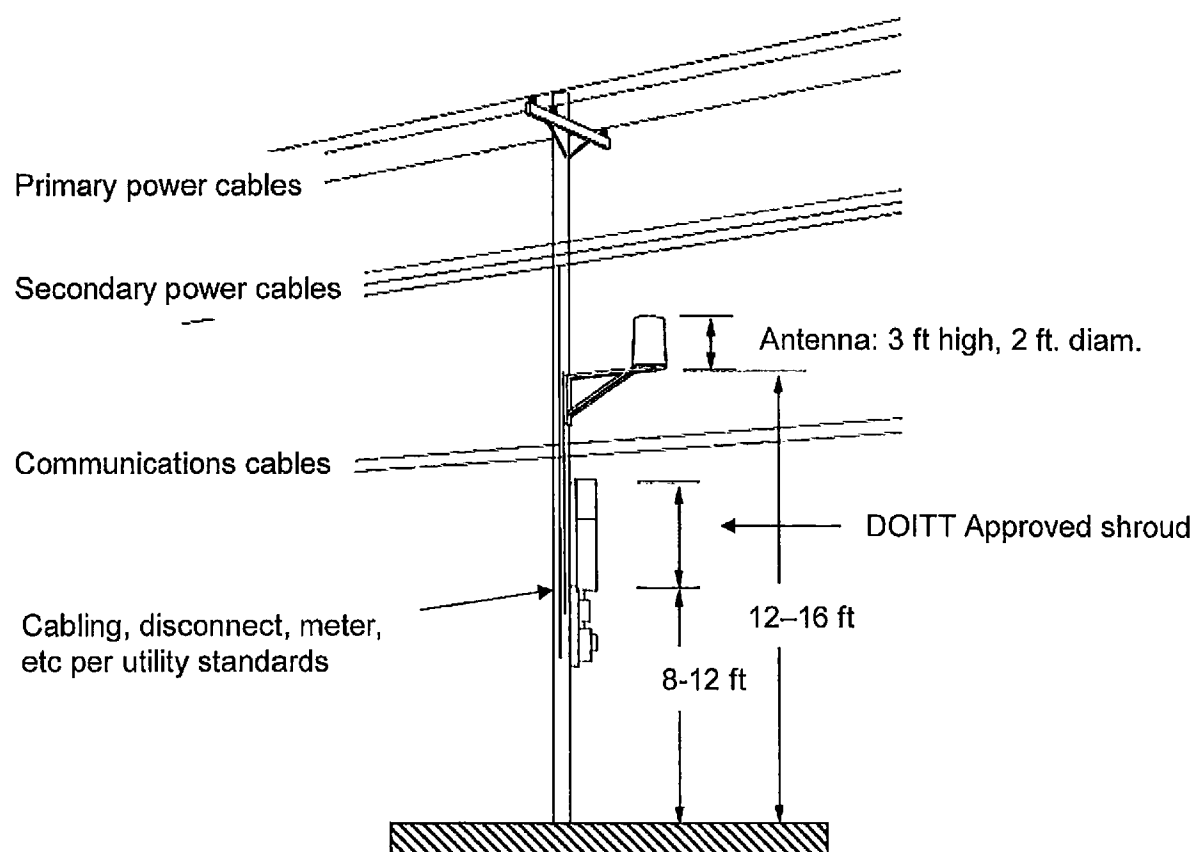
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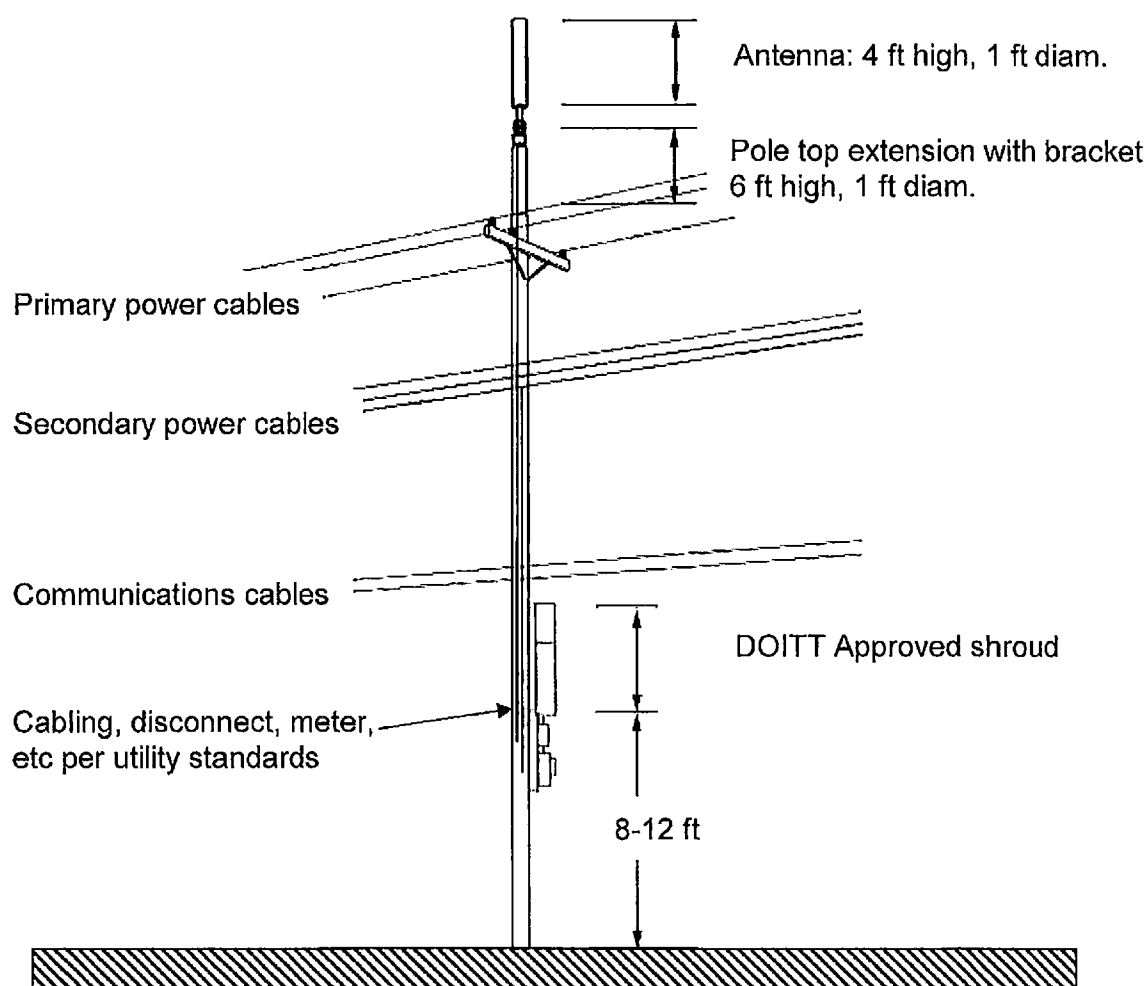
Antenna in Communications Space on Power Pole



Antenna in Communications Space on Power Pole



Antenna Pole Top Extension over Primary

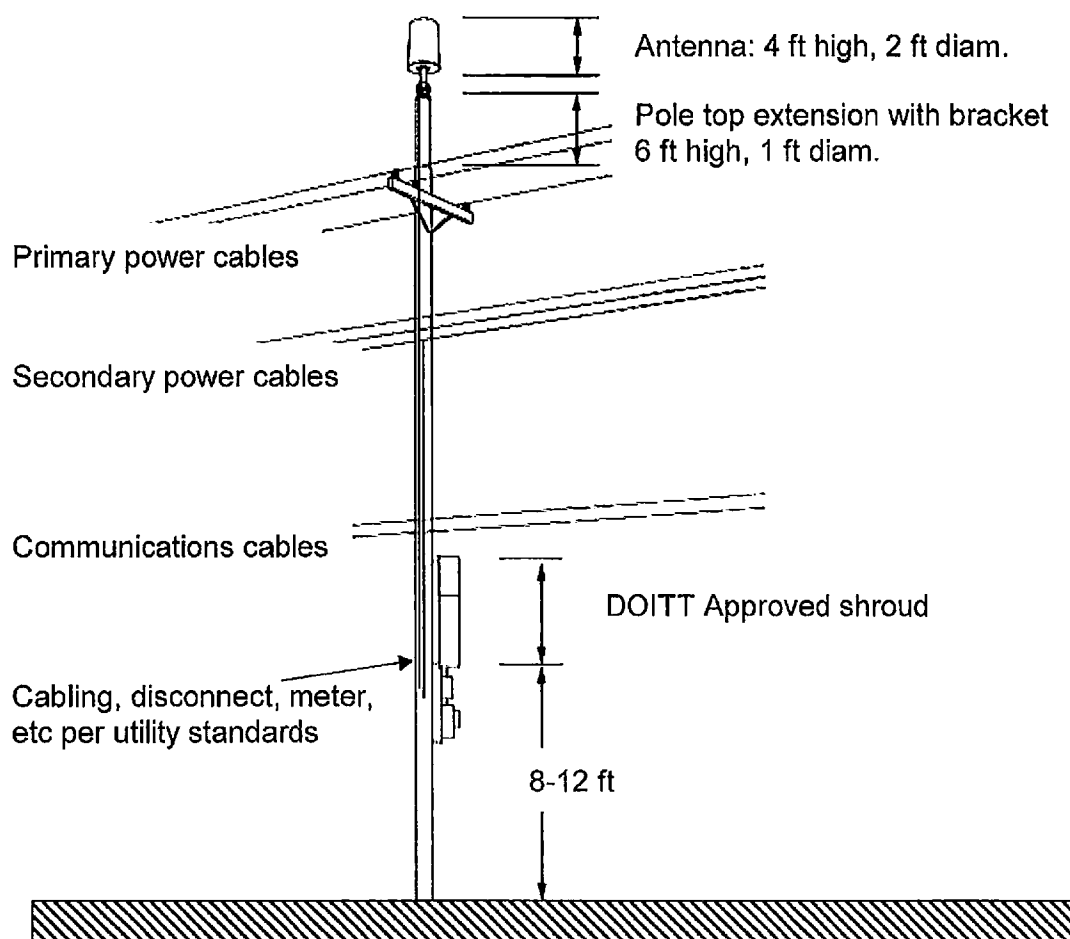


NextG Networks

Company Proprietary

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Antenna Pole Top Extension over Primary

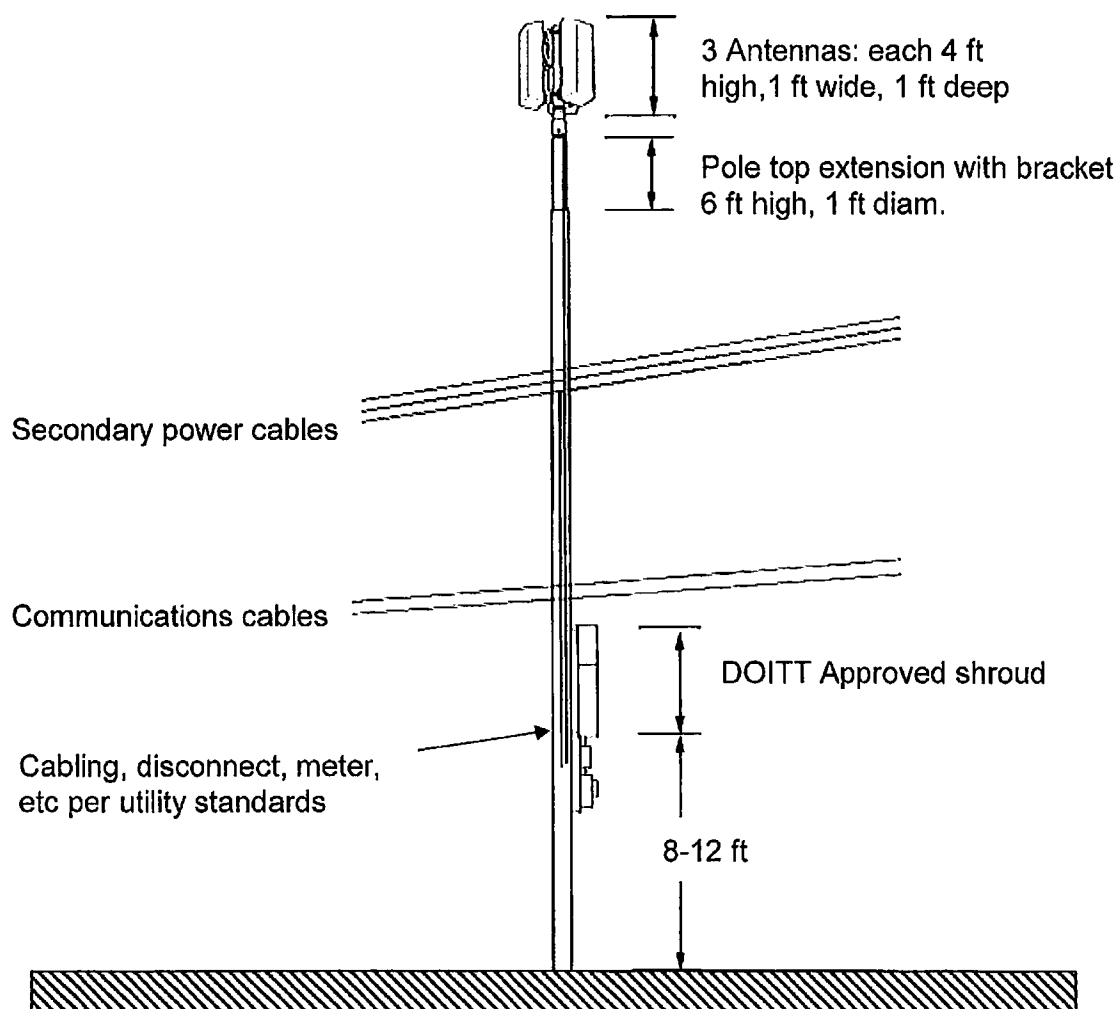


NextG Networks

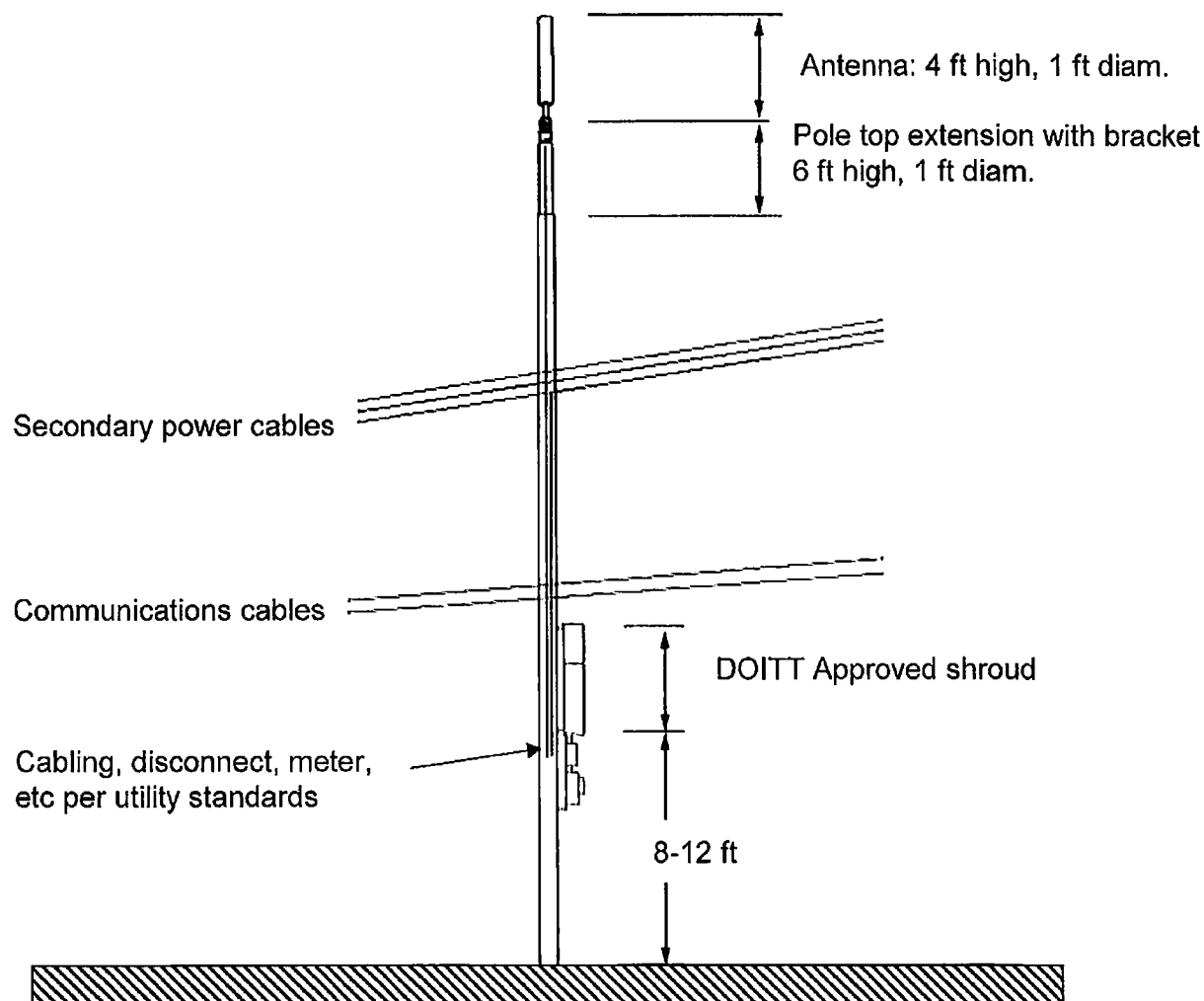
Company Proprietary

Page 16, January 20, 2010

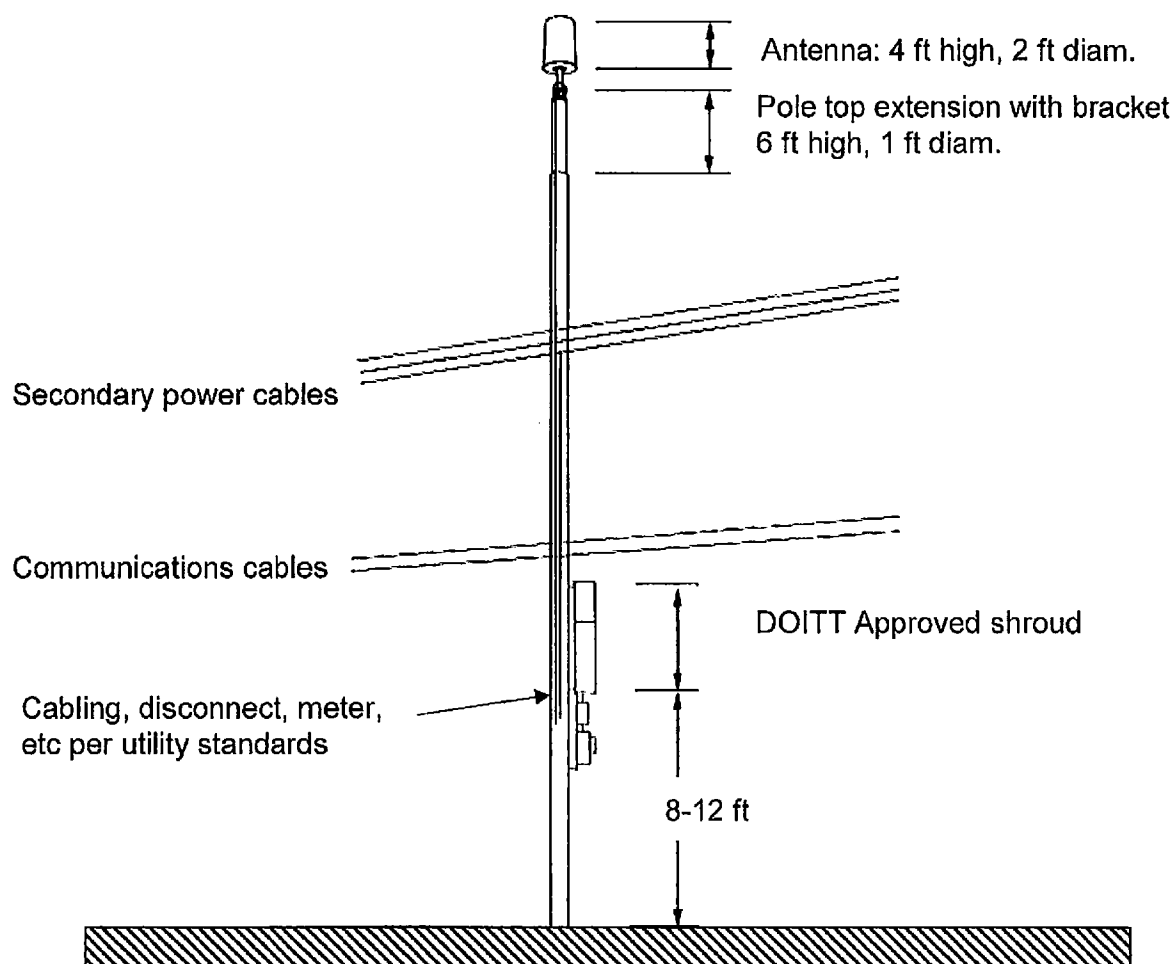
Antenna Pole Top Extension over Secondary



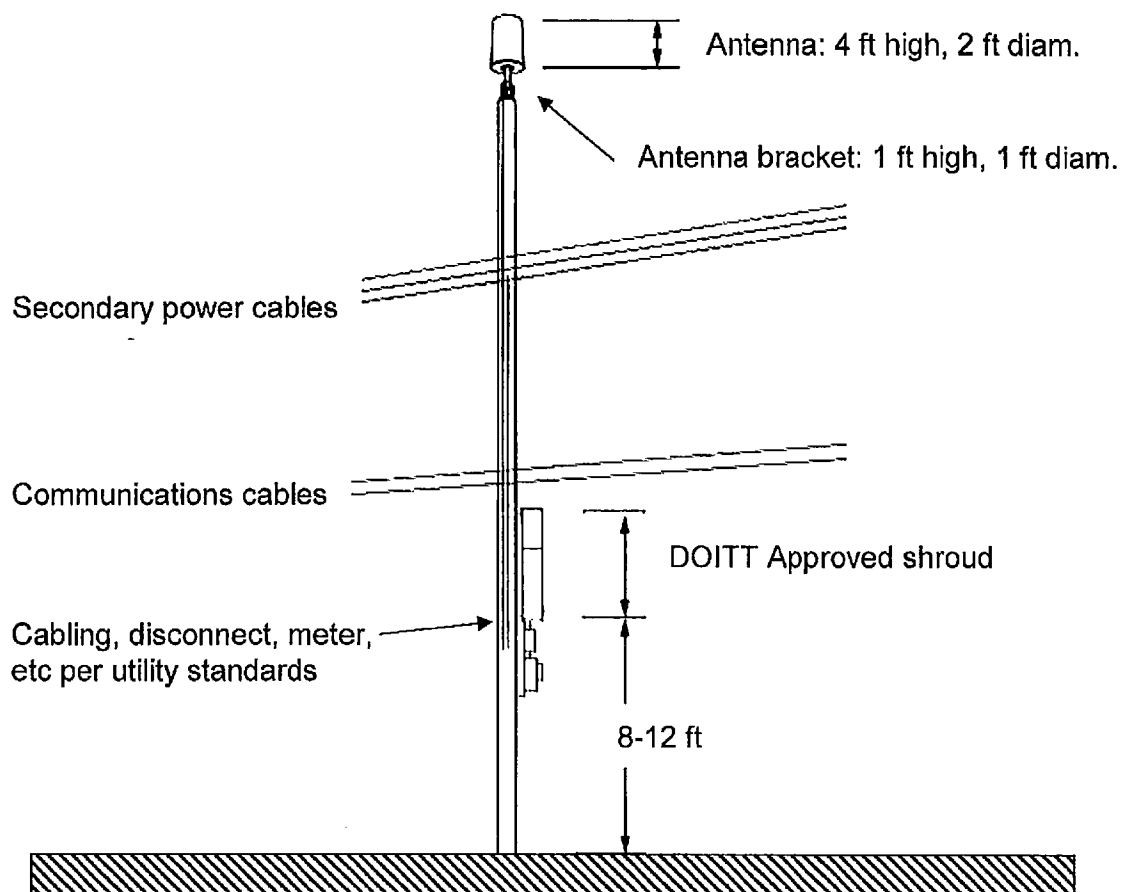
Antenna Pole Top Extension over Secondary



Antenna Pole Top Extension over Secondary



Antenna at Top of Power Pole

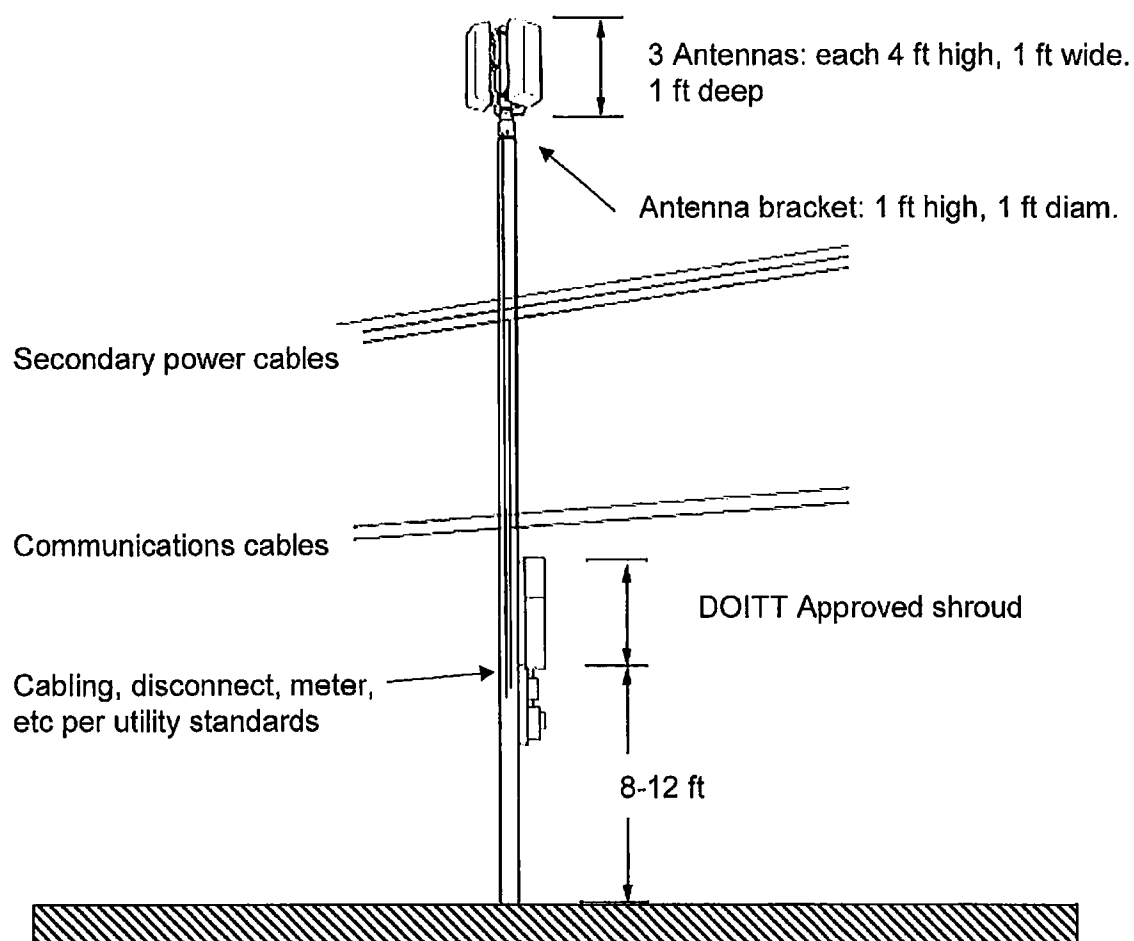


NextG Networks

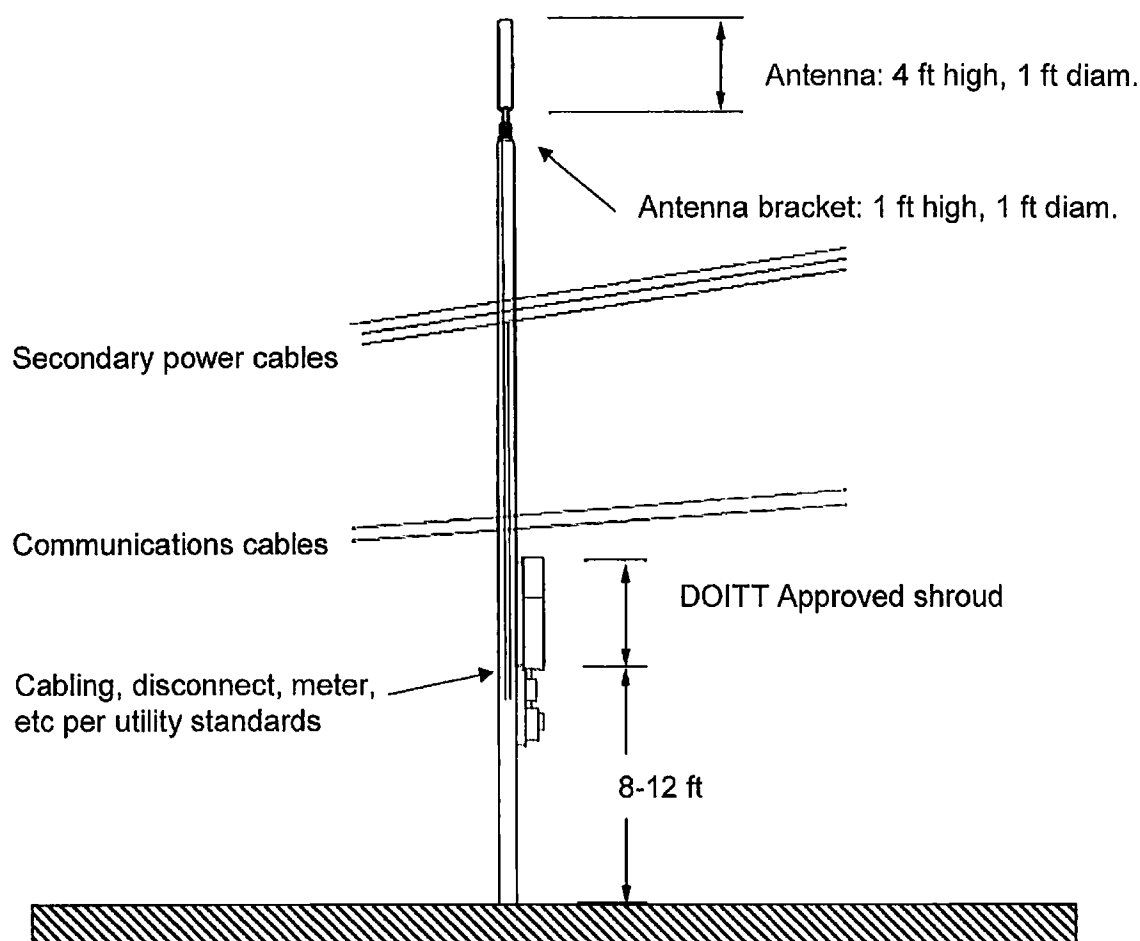
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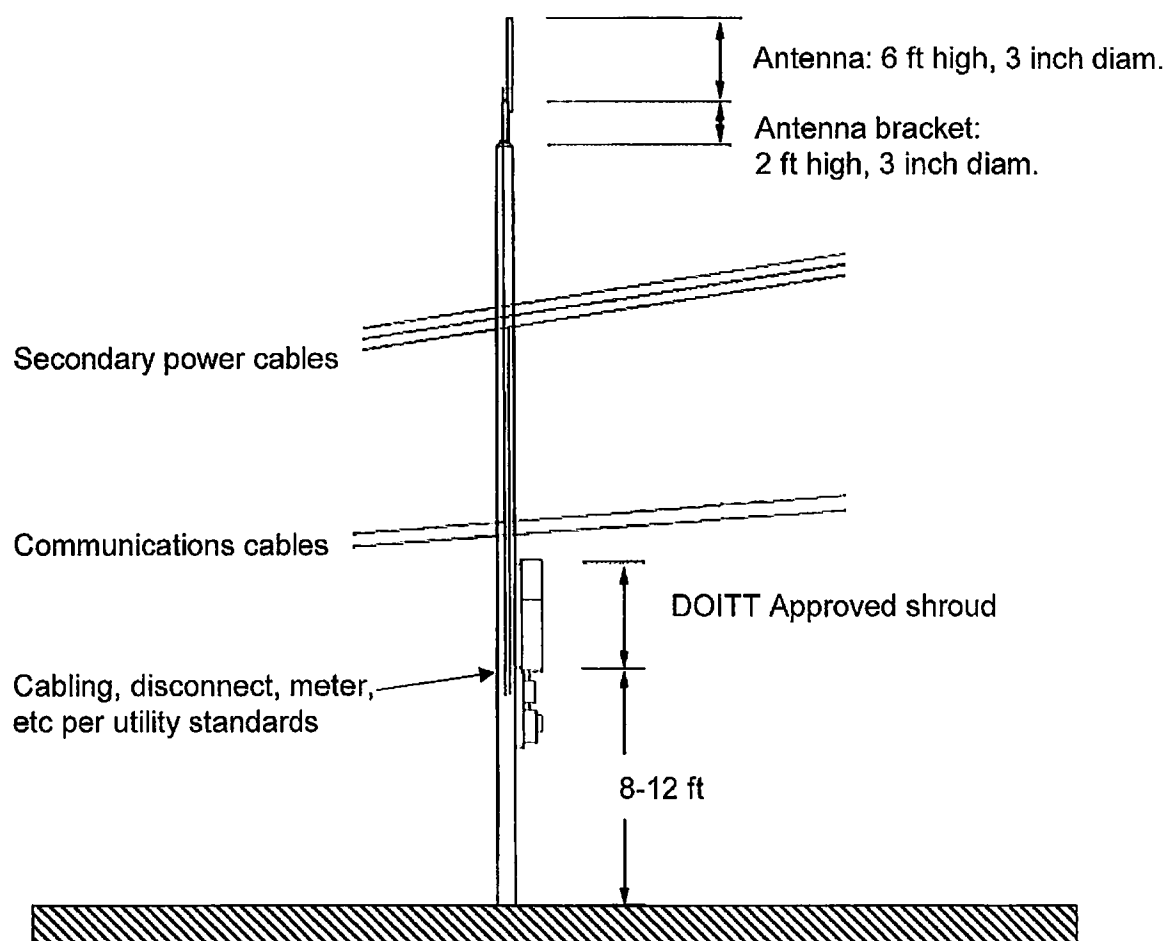
Antenna at Top of Power Pole



Antenna at Top of Power Pole



Antenna at Top of Power Pole



Equipment in Pedestal

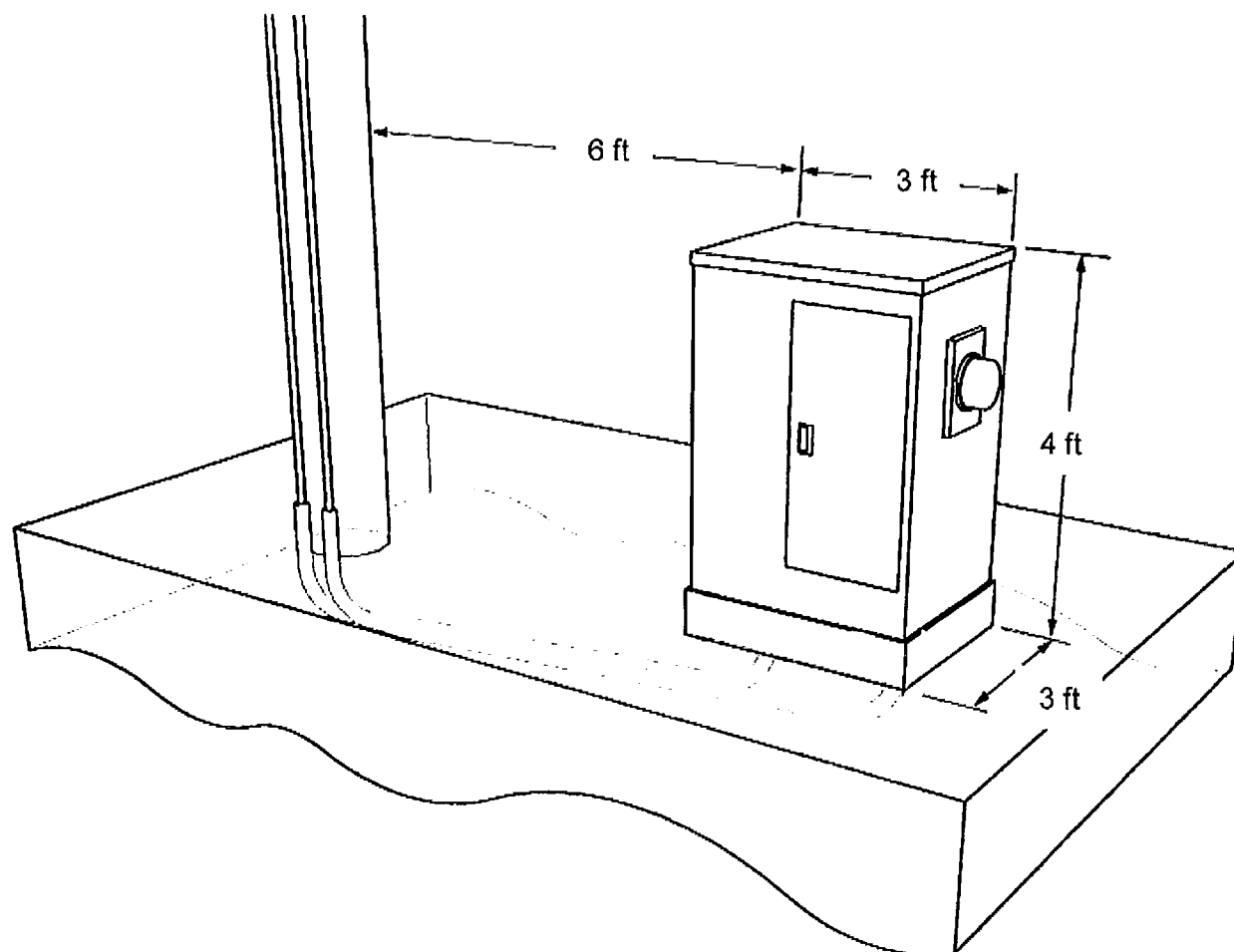


Exhibit 4

THE SEQR HANDBOOK

3rd Edition - 2010



Division of Environmental Permits
New York State Department of Environmental Conservation



Radio and microwave transmission towers or other stand-alone facilities constructed specifically for radio or microwave transmission are specifically **not** included in the exemption for construction of small non-residential structures. However, if a small dish antenna or repeater box is mounted on an existing structure such as a building, radio tower, or tall silo, the action would be Type II.

617.5(c)(8)

"routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;"

This section includes changing transportation schedules or policies, changes in curriculum, developing or changing after school activities, changing the school calendar, or transferring students from one school to another. It also includes an expansion of less than 10,000 square feet. This includes construction of new, elevators or storage space; or expansions for new classrooms (typically eight rooms or less), elevators, special facilities for handicapped access, libraries, lunch rooms, special education facilities, computer laboratories, garages, caretaker residences, teacher centers, child-care centers, storage buildings, pole barns, press boxes and greenhouses, etc.

The closure of a school is also included as a Type II action under this item. However, refitting an elementary school building to become a senior center or town hall administration building would not fit under this category. In addition, a school closing with the intention of leasing the building for non-school purposes would not be classified as Type II.

Educational institutions include all schools and libraries chartered and/or registered by the New York State Board of Regents.

617.5(c)(9)

"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in section 617.5(c)(11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;"

Note that this item is specific to one, two and three-family dwellings on approved lots only. While the size of the project is an important factor in determining applicability of this item, approval of the lot is equally important. This provision does not apply where one or more new lots are being created but are not yet approved. SEQR review is still warranted in those instances.

Where a building lot has already been approved, then even when a single-family, two-family or a three-family residence requires one or more additional approvals, such as site plan approval or zoning variances from a local board, or other permits such as a DEC natural resources permit (freshwater wetlands, tidal wetlands, stream protection, etc.), **no further review under SEQR is required**. This does not mean that the permit or approval(s) can be ignored, nor does it mean that the governmental authority must issue the permit(s). The project must still meet all regulatory standards and be issued the approval(s) or permit(s).

Exhibit 5

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on June 8, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
RICHARD MECCA
TERRENCE McCARTNEY
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT: None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:35 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. Recognition of the Rye City School District Boys Golf Team Section Championship.

Mayor Sack congratulated the Rye High School Boys Golf Team. He announced the name of each member of the team for their excellent work this season which brought them to win the championship.

Mr. Romano, Coach of the Rye Boys Golf Team, made a statement. He said that with 18 members on the team, they had a terrific season and advanced onward, with hard work moving the team into the finals. The Apawamis Golf Club hosted the championship, in which the team made a strong come back. Mr. Romano recognized James McCue who tied for 5th in the State Championship, and who won the Section Championship two years in a row.

Councilman McCartney and Councilman Mecca presented the team with the proclamations from the Mayor, congratulating the students on their hard work and success.

APPROVED MINUTES - Regular Meeting - City Council

June 8, 2016 - Page 2

4. General Announcements.

Councilwoman Killian congratulated the Rye High School Boys Rugby team who won the New York Division II State Championship. She also congratulated the Rye Crew Team for competing in the Scholastic Rowing Association of America Championship during Memorial Day weekend. Councilwoman Killian congratulated to all of the City's athletes at Rye High School.

Councilman Mecca announced the sad passing of longtime Rye Resident Kathy Coulier. Mrs. Coulier has had an impact in Rye and is survived by her family. There was a moment of silence to honor Mrs. Coulier.

Mayor Sack stated that the Council would like to create an open dialogue about drug use among young Rye Residents. On July 20, 2016 at the Rye Recreation Damiano Center, the City of Rye with the Westchester Department of Health will host a free training on how to respond to an opioid overdose using something called Narcan. In the recent past, the Rye Police Department has used Narcan successfully to prevent death in the case of an overdose. Mayor Sack stressed the importance that everyone know how to do this. Space is limited and preregistration is required. Anyone interested can register by going to www.westchestergov.com/health or call the Division of Health at (914) 995-6584.

Mayor Sack also announced that on July 9, 2016 there will be a Public Hearing at Crawford Park in Rye Brook on the Last Mile Project of the Thruway near the City of Rye and Port Chester, dealing with improvements to this area. Individual property owners that may be affected have been noticed and will be present at the Hearing if they have questions. The Hearing will be held from 5:00 to 8:30 P.M. There will be a portion of the public hearing dedicated to the eminent domain issues at 6:30 P.M.

Councilwoman Tagger-Epstein announced that there is an IRS scam going around again and warned the community to be aware of potential scam phone calls. Any residents with questions or concerns may contact the Rye Police Department who is aware of the issue. She also stated that Councilman McCartney gave a very moving speech at the recent Memorial Day event.

Councilman McCartney discussed the Memorial Day event. Unfortunately, due to weather, the parade was canceled. However, he stated the Memorial Day event held in City Hall went very well and there were many veterans present. He remembered those lost in combat and recognized that it is important to speak to younger generations about these issues, as they may not be exposed to them otherwise. Councilman McCartney then announced that the Rye Golf Club is up and running and in great shape. He was happy to report that the greens are completely recovered from last year. On the Recreation front, camp signups are still open. Councilman McCartney then announced that on Saturday, June 25, 2016, there will be the first Rye Food Truck Festival at the Rye Rec from 1:00-5:00 P.M. He encouraged everyone to attend. Lastly, he addressed the subject of drug and alcohol

APPROVED MINUTES - Regular Meeting - City Council

June 8, 2016 - Page 3

usage, as graduation season is here. He encouraged parents to speak with their children about the dangers that can occur in this season of celebration, as things can get out of hand.

Councilwoman Killian thanked Ms. Debra Davis-Galliard, Rye Middle School science teacher, who created a curriculum with the Billion Oyster Project within the City of Rye. Ms. Davis-Galliard and her students worked with the Recreation Department to implement the program to install an oyster cage at Milton Harbor. Councilwoman Killian hopes that this endeavor will help to bring oysters back in Rye Harbor. She thanked Ms. Davis-Galliard for her work and for the opportunity for students to get involved.

Councilwoman Hurd announced that the Chamber of Commerce Annual Soiree is June 22, 2016 from 6:00 to 8:00 P.M. at American Yacht Club. The Rye Lions Club raffle drawing will also be held June 20, 2016. Lastly, Councilwoman Hurd announced that in June, 2016 the Rye Landmarks Committee will be moving mile marker 25 to a more significant location on Boston Post Road.

5. Draft unapproved minutes of the regular meeting of the City Council held May 25, 2016.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes of the regular meeting of the City Council held May 25, 2016.

6. Issues Update/Old Business.

Mayor Sack updated the Council on the Purchase Street improvements. He stated that the bids are out right now and a recommendation will be made by staff at the July 13, 2016 City Council meeting. He is hopeful that the bid will be awarded on that date. Mayor Sack recognized that in the downtown area, there is never a good time to do construction, but the plan is to benefit the businesses and residents alike. The plan is to do a bulk of the work in August, 2016, when many residents are away. The Sidewalk Sale will remain July 28-30, 2016 and the construction will commence after that time.

City Engineer Coyne addressed the Council. He stated that the construction will be intrusive and will affect everyone, but the staff has been working on this project for a few years with merchants and residents to put together a responsible construction plan. He confirmed that the work will be done in August and may go into the fall months.

Mayor Sack updated the Council on Rye Town Park. He stated that the Commission has decided as a group to submit an application to be considered for the Capstone Project for NYU. If selected, students would provide a review of the project. This would not change the fact that the City of Rye feels it is in the best position to handle the park on a day to day basis. Mayor Sack also mentioned that there has been some discussion on the Playland sign. He said that he had a conversation with the Deputy County Executive, who stated the sign will be taken down at the end of the season. The City's position is that the County must go through the City's land use processes.

APPROVED MINUTES - Regular Meeting - City Council

June 8, 2016 - Page 4

Mayor Sack then updated the Council on the Thruway property and stated that the City has had positive conversations with Rye Country Day School about being a possible partner in purchasing the land. He mentioned that the City has engaged an environmental consultant to move forward to make a determination about feasibility of the land. Assemblyman Steve Otis has also been extremely helpful in facilitating communication between the City and the Thruway Authority. With regard to the City's Master Plan efforts, the Mayor's subcommittee met yesterday to speak with the City Planner, who will draft an RFP who will help us with this process.

Councilwoman Hurd announced that with respect to the Master Plan, Jack Zahringer, Landmarks Committee Chair, hopes the Committee puts emphasis on the historical aspect of Rye. She also announced that the close of public comment will be June 17, 2016 for the proposed development at the United Hospital site. The County Planning Board is considering the project and will provide their comments.

Mayor Sack urged the County Planning Board to issue a negative review on the project so that by state law, the Village of Port Chester would need to adopt the project by super majority.

City Manager Serrano stated that there was a recent public hearing in Port Chester on the redevelopment of the United Hospital site. He mentioned that one change that has been proposed is the creation of one additional turning lane on the exit 11 ramp off of 287. There was some discussion over this change among the Council. Mr. Serrano further mentioned that the engineering company hired by the NYS Dormitory Authority is reviewing the sluice gate. He stated that the City also met with the Dormitory Authority to discuss the Milton Point Drainage Project, as they are in the process of selecting an engineer for the project.

10. Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.

This item was taken out of order. Mayor Sack stated the Corporation Counsel Wilson has negotiated terms that are mutually beneficial to the applicant and the City. The license fee will be \$1,000/ year. Further, the applicant will make improvements to include a partial turnaround on Davis for the public. Pursuant to this agreement, the applicant will also provide maintenance and plowing on Davis Avenue.

Mr. Leo Napior, attorney for the applicant, stated that his client is agreeable to the terms presented.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to authorize the City Manager to sign the proposed amendment to the existing license agreement for 88 Davis LLC.

7. Presentation and discussion on deer population management.

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June 8, 2016 - Page 5

City Manager Serrano stated that the deer population management consultant, Hank Birdsall, was approved by the Council in 2015 to study and report on the deer population issues throughout the City. Mr. Serrano introduced Mr. Birdsall.

Mr. Birdsall thanked the Council for allowing him to present. He said that the primary objectives of this study were to identify the issue and provide management recommendations with respect to the deer population. The conditions in Rye are inviting to deer, providing food and water to the population. Mr. Birdsall also highlighted that residents' ornamental plants also provide food to the deer. Within seven years, a pair of deer can reproduce and result in 40 deer. The overpopulation of deer prevents forest regeneration, as deer depend on the nutrition provided by a lush environment. Mr. Birdsall then showed slides of the difference between Rye and a healthy forest area. He stated that in Rye this year, there were 17 collisions involving cars with deer. Mr. Birdsall also explained that the biggest instance of motor vehicle incidents occur in November. He also mentioned that the area of Rye between Oakland Beach and the Mamaroneck line of Boston Post Road has the largest population of deer. Mr. Birdsall stated that the conclusion of his study is that there are no less than 159 deer in Rye. He then presented a breakdown of the analysis of each location and the number of deer, discussing a pellet survey analysis.

Mr. Birdsall then explained that there are three different strategies that the City could explore to improve the deer population problem. First, he explained that immunocontraceptives are used by some communities. However, they are a very expensive endeavor and not guaranteed to work. Second, Mr. Birdsall explained that the City can hire sharpshooters, but they are very controversial. Third, he explained that the City may explore the "Host a Hunter" program involved skilled volunteer archers, similar to the Westchester County program. This would be a low-cost option. Mr. Birdsall stated that this program has succeeded at Ward Pound Ridge Reservation. The archers would be required to work more than 150 feet from a house and required to hunt from elevated tree stands. Mr. Birdsall then stated that if this program was adopted, 25% of the venison harvested would be donated to the Westchester Food Bank. Lastly, Mr. Birdsall recommended that regardless of the chosen program, the City should continue to monitor any progress.

Mayor Sack commended Mr. Birdsall on his extremely thorough study and presentation. Mayor Sack then asked about whether Mr. Birdsall was able to study the incidents of lyme disease as it relates to the deer population. Mr. Birdsall responded that with conflicting theories on the topic, he did not provide an analysis as it may be inconclusive.

Councilwoman Tagger-Epstein inquired about the process with the Host a Hunter program with respect to homeowners. Mr. Birdsall responded that any residents interested would contact him directly and he would meet with the owner to scout the property. Following a consultation, Mr. Birdsall would interview and choose only the most skilled archers.

APPROVED MINUTES - Regular Meeting - City Council

June 8, 2016 - Page 6

Councilwoman Tagger-Epstein asked Mr. Birdsall when the City should decide to move forward concerning the deer population on City land. Mr. Birdsall responded that any decision by the City should be made by August 1, 2016.

Councilman McCartney asked Mr. Birdsall if the hunters keep the remaining of the 75% of the venison after the first 25% is donated to the Westchester Food Bank. Mr. Birdsall confirmed that this was correct. Councilman McCartney then inquired about the 150 foot hunting setback from a home. Mr. Birdsall responded that this distance was required by State law. Councilman McCartney then asked if there were enough qualified hunters for this project. Mr. Birdsall responded that there were, but that he would be very selective in the process.

Councilwoman Tagger-Epstein recommended that Mr. Birdsall's presentation be aired on Rye TV.

8. Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Corporation Counsel Wilson stated that there was a conference call with Crown Castle prior to the Council meeting on June 8, 2016. The primary subject of the call focused on the needs assessment and coverage analysis provided by Crown Castle to the City. She reported that Crown Castle reviewed the gap analysis with the City and they are prepared to share the gap in coverage areas with the Council and public. The nodes will be place to cover the needs of the end users in structures. Corporation Counsel Wilson explained that the equipment is large enough for possible collocation in the future.

Esme Lombard, Crown Castle, made a statement to the Council. She said that Crown is here this evening seeking an amendment to an existing right-of-way use agreement. Under the existing agreement, Crown is proposing 51 new nodes to improve conditions for the users. The plan was unanimously approved by the BAR at the May 2016 meeting. Ms. Lombard explained that Crown Castle has been issued a Certificate of Convenience and Necessity by the New York State Public Service Commission. She asked that the Council approve the amendment. Ms. Lombard further stated that there had been concern expressed about the number of nodes proposed. This subject was discussed on the conference call mentioned by Corporation Counsel Wilson. Ms. Lombard further explained that each community is very different, with different topography and needs. She recognized the Councilmembers' previous comments on the EMFs and subsequently provided a report to the Council which demonstrated that the nodes were well below the federal limits. Ms. Lombard invited the community to view the City of Rye's proposal at www.crowncastle.com.

APPROVED MINUTES - Regular Meeting - City Council

June 8, 2016 - Page 7

Gregory Sharpe, Crown Castle, stated that this process began in Rye when Verizon issued an RFP for DAS (Distributed Antennae System) technology. As a result, Crown Castle was awarded the project within the community. Mr. Sharpe discussed the process about the need-based design of the nodes within the community.

Eli Elbaum, Counsel for Crown Castle, addressed the Council. He felt it was important for the Council to understand the rationale behind the fact that certain poles were selected rather than others. Mr. Elbaum explained that a pole may not be selected if it has a transformer or risers. This eliminated a number of candidates for DAS location. Mr. Elbaum said that Crown Castle must be selective to include the best possible poles to host these nodes.

Mayor Sack reiterated that the nodes would be used to improve service within the southern area of Rye. He stated there were community concerns on both health concerns and aesthetic concerns.

Mr. Sharpe stated that the health emissions, even at 100% usage, are well below the federal standards. There was discussion among the Council and consultants regarding the data map provided.

Councilwoman Hurd stated that a node is being proposed in front of her house and she does not want the node to be placed there. She asked if the pole could be removed from in front of her home. Ms. Lombard responded that she could not answer the particular question because it was up to Verizon to provide the gap proposal.

Councilwoman Tagger-Epstein commented that she felt that Crown Castle was considering Verizon's needs, rather than the community's needs.

Mr. Elbaum discussed the size of the nodes and stated that a benefit of the larger nodes being proposed would be that they allow for collocation and reduce the need for more nodes in the future.

Councilwoman Hurd asked that Crown Castle present evidence that every single pole proposed complies with the City's zoning code. Councilwoman Hurd then asked that Crown Castle provide an attachment agreement. There was then general discussion about the license agreements. Councilwoman Hurd then asked about the pole material. Crown Castle responded that any poles constructed would be made of standard wood, consistent with the local infrastructure.

Councilwoman Tagger-Epstein stated that a concern in the community is the idea of the aesthetics and the preservation of the community. She said that residents want to make sure that the beauty of Rye is kept intact, and this is a serious concern.

Councilman Mecca stated that the Council should be careful of criticism of the BAR's decision to approve the nodes.

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Ms. Lombard stated that with respect to the aesthetics, the existing feedback of the current nodes were that they were not noticed. She said that the design kept aesthetics in mind.

Eileen Iorio, Rye resident, addressed the Council. She stated that her concerns are about safety and asked that she see the safety data. She stated that she doubted that the node proposed in the vicinity of her home would comply with setback requirements. Ms. Iorio then stated that she would like Crown Castle to provide local comparisons within the County as to the number of nodes proposed. She then stated that she would like to see a third party expert retained in this case. She called on Council to consider the safety, health and opinion of the residents.

Ms. Lombard, Crown Castle, responded that the safety information is on the Crown Castle website.

Councilwoman Bucci asked how long the DAS technology was in existence. Crown castle responded that it was in existence for 35 years. Councilwoman Bucci stated that due to the short time that this has been in existence, there is no way to determine the long term effects of the technology.

Councilwoman Bucci asked Mr. Sharpe to clarify whether the proposed plan is for an existing need or a projected need. Mr. Sharpe explained that the network planning that has already started has encompassed the need, both current and future.

Mr. Elbaum, Crown Castle, stated that the nodes presented address a gap in coverage. There was then general discussion concerning the need-based issues in Rye.

Tom Ausfahl, Rye resident, stated that there is a pole proposed very close to his home. Health is a strong concern and felt it is important to consider. He expressed concern for future nodes.

Mr. Elbaum, Crown Castle, clarified that a 12-18 month timeframe would be the genesis of the project, but each node would be used well beyond that timeframe.

Councilwoman Killian inquired as to whether the City had treated each utility the same. Corporation Counsel Wilson responded that the City has not applied the law uniformly, and by denying their application, the City would not be treating Crown Castle the same as other applicants that have come before.

Mayor Sack suggested putting this matter over to the July 13, 2016 meeting.

Alberto Brezzelli, Parkway Drive, addressed the Council. He stated that he wanted to be publicly noticed on proposed nodes. He then stated that the radiation of wireless compared to the radiation emitted from cable is very different. Mr. Brezzelli said that no one knows the long term effects. He also said that there is an attitude throughout the City of "not

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on my land,” and there is always going to be pushback. He then expressed concerns over the validity of the safety report provided by Crown Castle.

Councilman Mecca asked Crown Castle’s engineer to explain the concept of a “hot spot.” Mr. Sharpe responded that he is not familiar with how Cablevision is providing hot spots.

Andy Perrone, 52 Franklin Avenue, addressed the Council. He stated that the radiation emitted from WiFi is not as strong. He then asked why such a high number of nodes has been proposed.

Mr. Sharpe responded that he could not adequately respond to the Wifi hotspots comment. He did address the issue of future collocation, and stated that there would be a new FCC compliance report prior to any collocation.

Diana Page, 806 Forest, stated that she was concerned about health issues. She asked if the City would consider bring in a third party consultant to analyze the safety risks and the need-based report.

The public hearing on this issue was put over to July 13, 2016.

9. Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to open the public hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Mayor Sack stated that this was an innovative and exciting proposal to improve conditions at the Fire Department. He felt it would help provide services in the most efficient and effective way. It is important to take a long glance back and thank the volunteers of the Rye Fire Department, who have served the City and saved a tremendous amount of money by volunteering their service. Mayor Sack that that the volunteers will continue to serve and provide impressive service to the City. This City Council is committed to taking action. Mayor Sack thanked Councilman Mecca and Councilwoman Bucci for their efforts. He felt that this will be the most efficient and effective way to handle the department moving forward.

Councilman Mecca stated that currently the City has a Board of Fire Wardens. The City is looking to replace the Board of Wardens with a volunteer board of directors and

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chiefs. This would be accomplished by moving the day-to-day operations up to a Commissioner role. Councilman Mecca stated that there was no intention of doing away with the volunteer fire department which is invaluable. He stated that the department is a fraternity that is no longer male-exclusive and is a fabric of the City of Rye. This change will allow proper mechanism of supervision and training for the career staff. Councilman Mecca said that the goal was to also improve the response to emergencies. He then discussed the training that would occur with the paid staff.

Mayor Sack thanked Councilman Mecca for his insight on the training aspects and how important it is to consider appropriate training. He commended the department on looking inward to improve conditions. The proposed changes would require a change to the Rye City Charter, which requires a referendum.

City Manager Serrano commented that it has been a great experience to work toward this goal of implementing a Public Safety Commissioner position in the City. This would create a cohesive relationship for policies and procedures between the Police and Fire Departments, creating a safer environment.

Corporation Counsel Wilson stated that the City's next step to reaching this goal is for the Council to adopt the Charter revision. If adopted, the item would be put on referendum for public vote. It should be done so by the August meeting to meet the Board of Elections deadline.

Mayor Sack stated that the Public Hearing will be kept open until the July 13, 2016 meeting.

11. Presentation of the City of Rye Stormwater Management Program 2015 Annual Report.

City Engineer Ryan Coyne addressed the Council. He stated that the Department of Environmental Conservation (DEC) requires that the City implement a stormwater management program and report progress annually. He stated that the report focuses on six areas: public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction and post-construction control and municipal operations. City Engineer Coyne then said that throughout the years, the City has educated residents on stormwater issues. He was happy to report that the City had no illicit discharges reported this year. Construction and post construction are handled by the Building Department, and requires a permit and inspection. Concerning municipal operations, DPW oversees the maintenance throughout the City.

Mayor Sack commended Mr. Coyne on his effort and presentation.

12. Discussion and timeline of items to be included in a November, 2016 Referendum.

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There was discussion about increasing the City's debt limit. Each referendum must be approved by the Council for the August 2016 meeting. Mayor Sack asked for a public hearing to be set on increasing the debt limit.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to set a Public Hearing on July 13, 2016 on the issue of increasing the City of Rye debt limit.

13. Authorization for the City Manager to enter into an agreement with the Rye Country Day School regarding reimbursement for costs associated with Phase I, Phase II, Environmental and Geotechnical assessment of the NYS Thruway property.
Roll Call.

This issue was deferred.

14. Discussion to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District.

Mayor Sack stated that at the last meeting, this topic was discussed. Sally Wright, Chamber of Commerce, addressed the Council. She stated that she was looking for clarification on the proposed code change regarding outdoor seating. She stated that in 2009, outdoor seating was approved within the central business district. There was then discussion on the requirement that each business wishing to incorporate outdoor seating must apply first to the Planning Commission. This requirement must be followed regardless of whether the seating is proposed on public or private property.

Councilman Mecca stated that he served on the Planning Commission in the 1990s when this proposal first came about. The law was passed, which allowed tables within the B2 district. Each business requesting outdoor seating must apply annually.

Ms. Wright asked for open communication with the Council on any issues that arise. There was general discussion on the topic among the Council.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to hold a Public Hearing to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District on July 13, 2016 on July 13, 2016.

15. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was no discussion under this agenda item.

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16. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding voting procedures.

Councilman McCartney stated that the proposed changes would further streamline the Rye Golf Club Commission voting procedures. This would remove the nominating committee from the process.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to adopt the proposed changes regarding voting procedures for the Rye Golf Commission.

**Rye Golf Club
Nominations, Elections and Voting Eligibility**

1) Commission

- a) The Rye Golf Club Commission will consist of seven adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) A Commission member-elect shall be allowed to attend Commission meetings from their date of election but may not participate in voting until they are sworn in.
- d) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- e) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below seven members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain seven Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain seven Commission members until the next regular election.
- f) A quorum of the Commission is established by four members present at a meeting.

2) Election

- a) Voting will take place over a two-week period online through a secure online service

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approved by the Commission that suits our needs.

- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
 - i) Vote is not cast within the specified time period; or
 - ii) Vote is not cast in accordance with specified instructions; or
 - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

3) Voting eligibility

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.
- c) No Club member shall be entitled to vote more than once in an election.

Rye Golf Club**Commission Responsibilities****1) The Commission.**

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.

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- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.
- c) *Responsibilities.* The Commission shall:
- i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
 - ii) Review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
 - iii) select a Commission Chairperson; and
 - iv) Decide such matters as may be properly brought before the Commission for a decision.
- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
 - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
 - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
 - iv) to serve as an ex-officio member on each Committee of the Commission;
 - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson

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during the absence of the Chairperson; and

- vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) *Committee Members and Chairpersons.*
 - i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
 - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.
 - iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
 - iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
 - v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.

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ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein

NAYS: None

ABSENT: None

17. Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the Commission level of members.

This item was deferred to the July 13, 2016 City Council agenda.

18. Resolution to transfer \$100,000 from the Contingency account to the Legal Department to fund legal services.

Roll Call.

City Manager Serrano stated that there has been unanticipated bills with Save the Sound litigation and there is a need for further funding. Mayor Sack asked the City staff to prepare a document outlining the litigation cost needs for the Council to review.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the following amended resolution:

WHEREAS, City staff has determined that the amounts required for the cost of legal services performed and on-going for various legal cases were not anticipated and were not provided for in the adopted 2016 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$300,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the City Legal Services Account.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein

NAYS: None

ABSENT: None

19. Bid Award for 2016 Rye Recreation Summer Camp Bus Services (Contract #2016-04).

Roll Call.

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Councilman McCartney made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby awards the bid for the 2016 Rye Recreation Summer Camp Bus Services (Contract 2016-04) to County Coach Corp. in the amount of fifty four thousand seven hundred fifty six dollars (\$54,756.00), as it was the sole bidder meeting specifications.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: None

20. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

21. New Business.

Councilwoman Tagger-Epstein asked that the Council meet with the Rye Neck School District and recognize the achievements of their students to include them in the Rye City pride and future recognition.

22. Adjournment.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the public meeting at 10:56 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk

Exhibit 6



Crown Castle
16-16 Whitestone Expressway
Whitestone, NY 11357

February 24, 2017

VIA FIRST CLASS MAIL

Mayor Joe Sack and Members of the City Council
Rye City Hall
1051 Boston Post Road
Rye, NY 10580
(914) 967-7676

***Re: Crown Castle – Rye New York DAS Expansion
Second Alternative - Node Locations, Pole Attachment Types and
Equipment Configurations***

Dear Mayor Sack and Members of the City Council:

We are writing to you in furtherance of Crown Castle East NG, Inc. (“Crown”) and its formal request which is currently pending before the City Council. As you will recall, Crown has sought a City Council interpretation and/amendment to the February 11, 2011 right of way use agreement between the parties (“RUA”) that a larger equipment cabinet than that shown on the exhibits included in Exhibit A of the RUA is permitted for installation. Additionally, the City Council has asserted jurisdiction under Sections 3 and 5 of the RUA to review Crown’s specific proposed node installations as part of that plan and the expansion of Crown’s existing DAS network in the City.

Crown’s Proposed DAS Expansion Plans in the City of Rye

Crown’s discussion with the City on its DAS expansion plans date back to December of 2015 and a preliminary plan to add 85 new locations to the 9 already existing in the City of Rye. Crown’s plans subsequently filed with the City Council in April of 2016 included a reduction to 73 new node locations, 70 of which were proposed on existing utility poles, 2 of which included new telephone poles and 1 a replacement of a county owned light pole. The City’s Board of Architectural Review reviewed Crown’s plans and the larger equipment cabinet and recommended and approved of the project in May of 2016. Notwithstanding same and in response to public comments, Crown was asked to refine its plans further which resulted in an overall reduction in the node count to 64 locations as filed with the City Council in July of 2016 (“Proposed DAS Expansion Plans” or “Plan A”).

Crown’s First Alternative Equipment Plan & Modified Node Locations

In October of 2016, and without prejudice to Crown’s initial plans and pending request before the City Council, Crown sought the City Engineer’s review and approval of an alternative “by-right” plan which was filed in accordance with the RUA. That plan included a modified list of 64 node locations where Crown proposed standard equipment for installation and as depicted in Exhibit A of the RUA. The first alternative equipment plan also eliminated the 2 new proposed telephone poles and the county owned light pole in order to avoid any at grade disturbance and presented a plan that would involve equipment installations on existing utility poles only (“First Alternative” or “Plan B”).

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Crown's Second Alternative Equipment Plan and Modified Node Locations

In response to Crown's First Alternative associated with its Proposed DAS Expansion Plans, the City Council through its consultants requested that Crown consider re-engineering the plan to incorporate City owned municipal street lights in public rights-of-way. Additionally, the City has requested various other modifications to the node locations and equipment plan. We are pleased to submit for City Council consideration a second alternative associated with its Proposed DAS Expansion Plans as more fully identified below ("Second Alternative" or "Plan C").

The Second Alternative plan being presented for City Council consideration is identified on the map and spreadsheet list of node locations and installation types which are included in Exhibit 1. The number of locations associated with Plan C remains at 64 nodes with modifications that: a) incorporate 6 municipal street light and 2 municipal wood pole owned locations (highlighted in red); and 2) shift 4 other utility pole attachment locations (highlighted in blue) to, among other things, avoid to the extent practicable public ways that are not owned by the City.

Plans for the 8 municipally owned structures are included in Exhibit 2. Of note, in addition to the use of municipal structures in the right of way, Plan C maximizes the use of pole top (36) versus communications zone (20) antenna locations on utility poles and incorporates the RUA approved cabinet size and design. Standard drawings for both pole top and communications zone installations have previously been supplied to the City Council for review.

Other DAS Alternative Equipment & Modified Node Locations Evaluated by Crown

As part of Crown's development of the Second Alternative, Crown confirmed with Consolidated Edison ("Con Ed") and the Original Equipment Manufacturer ("OEM") that:

- a) Con Ed does not permit a "shroud" around the physical attachment between the top of the utility pole and the bottom of a pole top antenna;
- b) There is no OEM manufactured cabinet which is smaller and still big enough to fit at least 1 ION unit inside that has the same aesthetic features as the RUA approved cabinet (ie. fiberglass and seamless);
- c) Con Ed has not approved use of a metal hinged cabinet for DAS installations on its poles or one that is smaller than the RUA approved fiberglass cabinet and still big enough to fit at least 1 ION unit inside; and
- d) The total volume and dimensions of cabinet space allowed on Con Ed poles is that which was requested as part of Crown's Plan A specifications for the cabinet size.

As part of Crown's development of the Second Alternative, Crown confirmed with Verizon Wireless that the 64 proposed nodes are needed as part of its plans to enhance its wireless services to the residents, businesses and emergency service responders in the City as noted in its letter to the City in Exhibit 3. Crown also confirmed with Verizon Wireless that it needs to utilize two licensed frequencies per node location and as such two ION units are required inside each cabinet at each node location. Additionally, that as part of its deployment at locations requiring a

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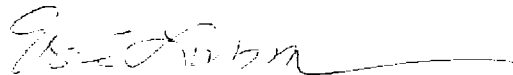
commzone antenna, Crown will need to utilize a specific antenna specification which is included in Exhibit 4 and which is consistent with the antennas shown in Exhibit A to the RUA.

For the City Council's convenience, we have enclosed as Exhibit 5 a table which references all of the Con Ed, Verizon Wireless and OEM approved and rejected configurations for the proposed expansion of Crown's DAS network in the City of Rye.

Crown's Request for Approval Under the RUA

Crown is requesting approval of its Proposed DAS Expansion Plans and has presented three different options for the City's consideration and action. The latest alternative, Plan C, takes into consideration matters within Crown's control and achieves its customer's requirements with an all existing pole attachment plan that maximizes use of City owned poles in the right of way and minimizes the size of the equipment cabinet to the greatest extent possible. We respectfully submit the City's approval of Crown's 64 node plan will enable Verizon Wireless to provide enhanced wireless service in Rye utilizing a state of the art DAS network. Thank you in advance for your consideration of the enclosed.

Kind Regards,




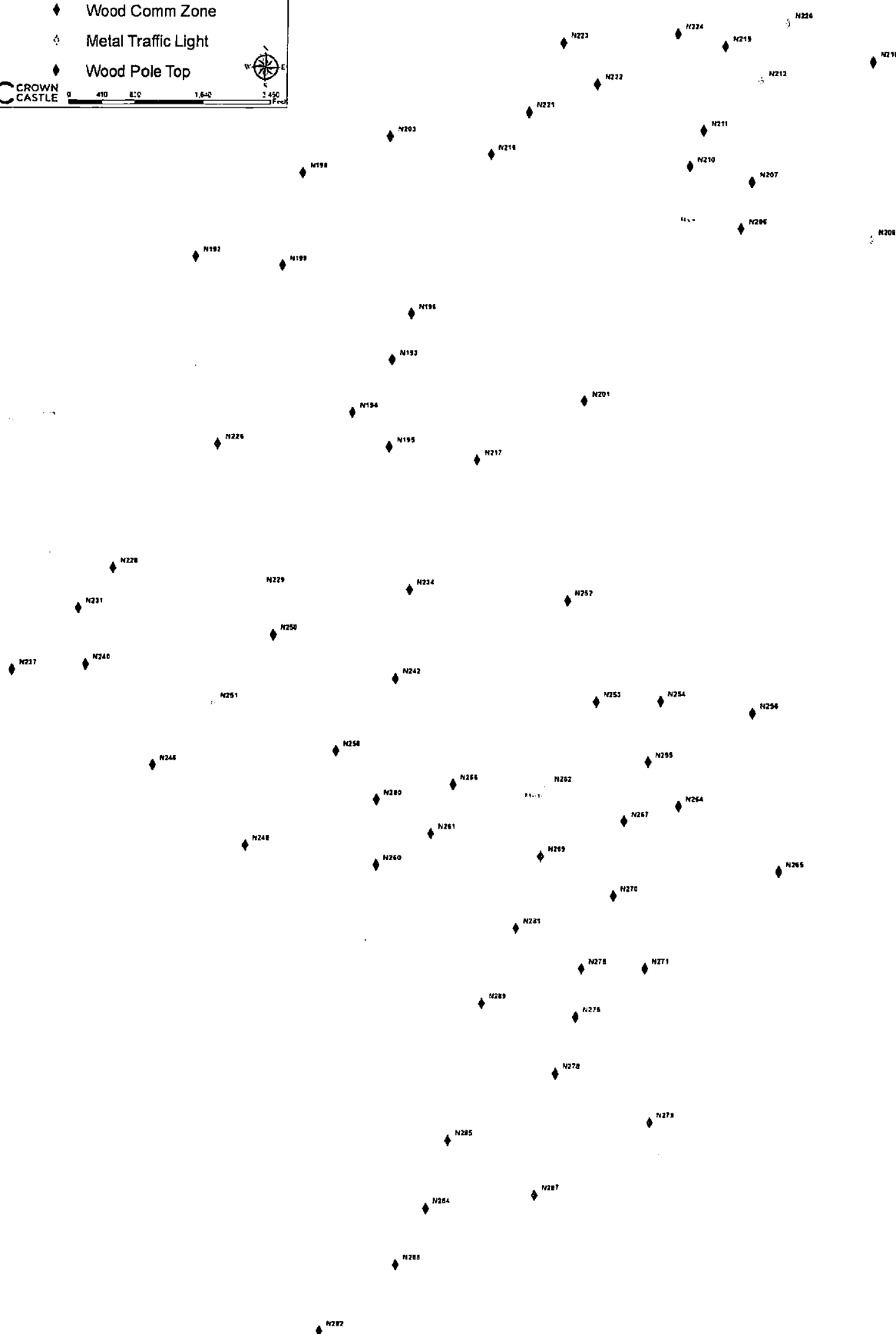

Esmé A. Lombard
National Real Estate – Contractor
Crown Castle

Cc: City Manager - Marcus A. Serrano
City Engineer - Ryan Coyne
Michael Bonhomme, Verizon Wireless
Christopher B. Fisher, Esq., Cuddy & Feder LLP
Leslie Snyder, Esq., Snyder & Snyder LLP

2/17/2017
**Crown Castle Proposed Nodes in
The City of Rye**

- ◆ Wood Comm Zone
- ◆ Metal Traffic Light
- ◆ Wood Pole Top

 0 400 800 1,600 3,200 Feet



Customer Node ID	Pole Type	Node Latitude	Node Longitude	Node Street Address	On Street	Cross Street 1	Cross Street 2	Pole Location Relative to Cross Street 1	Comments
ODAS_WEST_N192	Commzone	40.979977	-73.599977	290 North st	North St	Summit Ave	Glendale Rd	4th Pole West of Summit Ave, on the North Side of North St(West of private road entrance)	No pole tops available
ODAS_WEST_N193	Wood Pole Top	40.976517	-73.693379	95 North st	North St	Hammond Rd	Theodore Fremd Ave	First pole east of Hammond Rd, on the South side of North St	
ODAS_WEST_N194	Commzone	40.974761	-73.694671	12 Sharon Ln	Sharon Ln	Marlene Ct	Pondview Rd	SW corner of Marlene Ct and Pondview Rd	No pole tops available
ODAS_WEST_N195	Wood Pole Top	40.973615	-73.693455	11 North st	North St	Old Post Rd	Hammond Rd	First pole on the median at the split of Old Post Rd and North St	
ODAS_WEST_N196	Wood Pole Top	40.978064	-73.692768	2 Hammond Rd	Theodore Fremd Ave	Hammond Rd	North St	SW corner of Theodore Fremd Ave and Hammond Rd	
ODAS_WEST_N198	Wood Pole Top	40.982784	-73.696418	255 Central ave	Central Ave	Summit Ave	Maple Ave	2nd pole East of Summit Ave on the South side of Central ave	
ODAS_WEST_N199	Commzone	40.979862	-73.697097	124 Maple ave	Maple Ave	North St	Nursery Ln	West side of Maple ave, 4th pole south of Nursery Ln	No pole tops available
ODAS_WEST_N201	Wood Pole Top	40.975154	-73.686952	862 Boston Post Rd.	Boston Post Rd	Parsons St	Central Ave	NE corner of Boston Post Rd and Parsons St	
ODAS_WEST_N203	Wood Pole Top	40.984000	-73.693498	190 Locust ave	Locust Ave	Maple Ave	Club Rd	North side of Locust ave, 1st pole West of Club Rd	
ODAS_WEST_N206	Commzone	40.980535	-73.681797	44 Grace Church St	Grace Church St	Ralston St	Cross St	East side of Grace Church st, and 1st pole south of Ralston st	No pole tops available
ODAS_WEST_N207	Wood Pole Top	40.982601	-73.681456	22 Greenleaf St	Greenleaf St	Ralston St	Dead End	3rd pole north of Ralston St on west side (last pole on street)	
ODAS_WEST_N208	Metal Traffic Light	40.980582	-73.677508	415 Midland Ave	Midland Ave	Manursing Ave	Grace Church St	First Metal Traffic light north of Manursing on east side of Midland Ave	Moving to city owned traffic/street light; Will require VZ approval
ODAS_WEST_N210	Wood Pole Top	40.983017	-73.683503	17 Smith St. (approx)	Smith St	School St	Boston Post Rd	South of Smith St on east side In Rye owned parking lot	Moving to city owned traffic/street light
ODAS_WEST_N211	Wood Pole Top	40.984208	-73.683058	31 Purdy ave (approx)	Purdy Ave	McCullough Pl	Boston Post Rd	South of Purdy St in Rye owned parking lot	Moving to city owned traffic/street light
ODAS_WEST_N212	Metal Traffic Light	40.985851	-73.681196	1186 Boston Post Rd	Boston Post Rd	Peck Ave	Thistle Ln	Metal City owned pole on west side of Boston Post and Peck Intersection	Moving to city owned traffic/street light
ODAS_WEST_N216	Commzone	40.983397	-73.690144	151 Locust ave	Locust Ave	Ridgewood Dr	Club Rd	South side of Locust ave, 1st pole west of Ridgewood Dr	No pole tops available
ODAS_WEST_N217	CommZone	40.973194	-73.690525	775 Boston Post Rd	Boston Post Rd	Old Post Rd	Roger Sherman Pl	SE corner of Old Post Rd and Boston Post Rd	No pole tops available
ODAS_WEST_N218	Wood Pole Top	40.986494	-73.677473	17 Peck ave	Peck Ave	Midland Ave	Boston Post Rd	North side of Peck Ave, 3rd pole west of Midland ave	
ODAS_WEST_N219	Wood Pole Top	40.987004	-73.682348	33 Cedar st	Cedar St	New St	Grandview Ave	South side of Cedar st, 1st pole west of New st	
ODAS_WEST_N220	Metal Traffic Light	40.987767	-73.680352	Cedar St	Cedar St	Boston Post Rd	Grandview Ave	SW corner of Cedar st and Boston Post Rd (Metal traffic light)	Moving to city owned traffic/street light
ODAS_WEST_N221	Wood Pole Top	40.984912	-73.688870	14 Ridgewood Dr	Ridgewood Dr	Iroquois St	Locust Ave	West side of Ridgewood Dr, 6 poles north of Locust ave	
ODAS_WEST_N222	Wood Pole Top	40.985742	-73.686615	4 Ridgewood Dr	Iroquois St	Ridgewood Dr	Dead End	SE corner of Iroquois St and Ridgewood Dr	
ODAS_WEST_N223	Wood Pole Top	40.987111	-73.687745	64 Highland Rd	Highland Rd	Club Rd	Seneca St	NW corner of Highland Rd and Club Rd	
ODAS_WEST_N224	Wood Pole Top	40.987414	-73.689990	150 Purchase st	Purchase St	Highland Rd	Nationa St	East side of Purchase st, 4th pole north of Highland Rd	
ODAS_WEST_N226	Commzone	40.973723	-73.595185	401 Theodore Fremd Ave	Theall Rd	Playland Access Dr	Garver Dr	9th pole south of Playland Acces Dr on the west side of Theall Rd	No pole tops available
ODAS_WEST_N228	Commzone	40.969590	-73.702641	555 Theodore Fremd Ave	Theall Rd	Osborne Rd	Garver Dr	West side of Theall Rd, 6th pole north of Osborne Rd	No pole tops available
ODAS_WEST_N229	Metal Traffic Light	40.968942	-73.697781	200 Boston Post Rd	Boston Post Rd	Old Post Rd	Sonn Dr	2nd Green metal pole past intersection of Boston Post and Old Post Rd on west side	Moving to city owned traffic/street light
ODAS_WEST_N231	Commzone	40.968234	-73.703793	330 Theall Rd	Osborne Rd	Coolidge ave	Theall Rd	NW corner of Osborne Rd and Theall Rd	No pole tops available
ODAS_WEST_N234	Wood Pole Top	40.968870	-73.692753	80 Claremont Ave	Claremont Ave	Parkway Dr	Parkway Dr	SE corner of Claremont Ave/ Parkway Dr	
ODAS_WEST_N237	Wood Pole Top	40.966170	-73.706003	110 Glen Oaks Dr	Glen Oaks Dr	Coolidge Ave	Dead End	NW corner of Glen Oaks Dr and Coolidge Ave	
ODAS_WEST_N240	Wood Pole Top	40.966255	-73.703546	12 Harding Dr	Harding Dr	Hughes Ave	Lasalle Ave	NE corner of Harding Dr and Hughes Ave	
ODAS_WEST_N242	Wood Pole Top	40.965906	-73.683184	112 Sonn Dr	Sonn Dr	Crescent Ave	Claremont Ave	1st wooden pole South side of Sonn Dr/ West of Crescent Ave	
ODAS_WEST_N246	Wood Pole Top	40.962983	-73.701291	2 Glen Oaks Dr	Boston Post Rd	Glen Oaks Dr	Eldridge Pl	NW corner of Boston Post Rd/ Glen Oaks Rd	
ODAS_WEST_N248	Commzone	40.960297	-73.688198	96 Soundview Ave	Soundview Ave	Boston Post Rd	Dead End	11th Wooden pole North side of Soundview Ave/ East of Boston Post Rd	No pole tops available
ODAS_WEST_N250	Wood Pole Top	40.967351	-73.697316	51 Franklin Ave	Franklin Ave	Fraydun Pl	Sonn Dr	3rd wooden pole south of Fraydun on west side of Franklin Ave	
ODAS_WEST_N251	Metal Traffic Light	40.965078	-73.699284	7 Oakland Beach Ave	Oakland Beach Ave	Boston Post Rd	Allendale Dr	SE corner of Boston Post Rd and Oakland Beach Ave/ Rye metal traffic light	Moving to city owned traffic/street light
ODAS_WEST_N252	Wood Pole Top	40.968518	-73.687461	7 Haven Ave	Haven Ave	Milton Rd	Fenton St	North side of Haven Ave, 1st pole in from Milton Rd	Plan B shift
ODAS_WEST_N253	Wood Pole Top	40.965131	-73.686488	444 Milton Rd	Milton Rd	Rye Beach Ave	Mayfield St	1st wooden pole East side of Milton Rd/ North of Rye Beach Ave	
ODAS_WEST_N254	Wood Pole Top	40.965159	-73.684331	78 Elmwood Ave	Elmwood Ave	Oakwood Ave	Forest Ave	2nd wooden pole West side of Elmwood Ave/ North of Oakwood Ave	
ODAS_WEST_N255	Wood Pole Top	40.963118	-73.684736	8 Hayward Pl	Hayward Pl	Overlook Pl	Dead End	1st wooden pole on north side of Hayward Pl	Moved from Comm zone to wood pole top
ODAS_WEST_N256	Wood Pole Top	40.964766	-73.681298	514 Forest Ave	Forest Ave	Elmwood Ave	Ridgeland Terrace	NE corner of Forest Ave and Elmwood Ave	
ODAS_WEST_N258	Wood Pole Top	40.963471	-73.695140	110 Oakland Beach Ave	Oakland Beach Ave	Griffon Pl	Allendale Dr	South Side of Oakland Beach Ave, 1st Pole East of Griffon Pl	
ODAS_WEST_N260	Wood Pole Top	40.959633	-73.683772	12 Byrd St	Byrd St	Helen Ave	Underbush Ave	1st wooden pole East side of Byrd St/ North of Helen Ave	
ODAS_WEST_N261	Commzone	40.950694	-73.691962	19 Hix Ave	Hix Ave	Dalphin Dr	Westbank Rd	2nd wooden pole East side of Hix Ave/ North of Dalphin Dr	No pole tops available
ODAS_WEST_N262	Metal Traffic Light	40.962299	-73.688095	277 Oakland Beach Ave	Oakland Beach Ave	Milton Rd	Riverside View Ln	NW corner of Oakland Beach Ave and Milton Rd on green metal Rye Traffic light	Moving to city owned traffic/street light
ODAS_WEST_N264	Wood Pole Top	40.961629	-73.683708	387 Oakland Beach Ave	Halsted Pl	Oakland Beach Ave	Ormond Pl	NE corner of Halsted Pl and Oakland Beach Ave	
ODAS_WEST_N265	Wood Pole Top	40.959429	-73.680418	138 Dearborn Ave (approx)	Dearborn Ave	Forest Ave	Dead End	7th wooden pole on Dearborn on north side	Moved from Comm zone to wood pole top
ODAS_WEST_N266	Wood Pole Top	40.962348	-73.691238	1 Rose St	Oakland Beach Ave	Rose St	Red Oak Dr	SW corner of Oakland Beach Ave and Rose St	
ODAS_WEST_N267	Wood Pole Top	40.961119	-73.685527	73 Van Buren St	Van Buren St	Overlook Pl	Newberry Pl	1st wooden pole on north side of Van Buren St	Moved from Comm zone to wood pole top
ODAS_WEST_N269	Commzone	40.959940	-73.688288	2 Garden Dr	Garden Dr	Milton Rd	Orchard Dr	South side of Garden Dr, 1st pole in from Milton Dr	No pole tops available
ODAS_WEST_N270	Wood Pole Top	40.958612	-73.685862	4 Fairlawn Ct	Fairlawn Ct	Dead End	Everett St	South Side of Fairlawn Ct, 2nd Pole East of Everett St	
ODAS_WEST_N271	Wood Pole Top	40.956183	-73.684788	750 Forest Ave	Forest Ave	Hewlett St	Valleyview Ave	East side of Forest Ave, SE corner of Forest Ave and Hewlett St	Plan B shift
ODAS_WEST_N275	Wood Pole Top	40.954555	-73.687089	21 Green Ave	Green Ave	Fairway Ave	Forest Ave	South side of Green Ave, 1st pole of East of Fairway Ave	
ODAS_WEST_N276	Commzone	40.956168	-73.686893	84 Valleyview Ave	Valleyview Ave	Fairway Ave	Forest Ave	South Side of Valleyview Ave, 1st Pole East of Fairway Ave	Plan B shift/No pole tops available
ODAS_WEST_N278	Wood Pole Top	40.952667	-73.697736	11 Halls Ln	Halls Ln	Forest Ave	Stuyvesant Ave	North Side of Halls Ln, 1st Pole West of Forest Ave	
ODAS_WEST_N279	Commzone	40.951041	-73.684584	5 Pine Island Rd	Pine Island Rd	Forest Ave	Dead End	South Side of Pine Island Rd, 7th Pole East from Forest Ave	No pole tops available
ODAS_WEST_N280	Wood Pole Top	40.951833	-73.693775	10 White Birch Dr	White Birch Dr	Hickory Dr	Oakland Beach Ave	NW corner of White Birch and Hickory Dr	
ODAS_WEST_N281	Commzone	40.957526	-73.689085	650 Milton Rd	Milton Rd	Hewlett Ave	Stuyvesant Ave	3rd wooden pole West side of Milton Rd and South of Hewlett Ave	No pole tops available
ODAS_WEST_N282	Commzone	40.944018	-73.695543	398 Stuyvesant Ave	Stuyvesant Ave	Dead End	Van Wageningen Ave	West Side of Stuyvesant Ave, 8th Pole North of Dead End	Plan B shift/No pole tops available
ODAS_WEST_N284	Wood Pole Top	40.948151	-73.692038	230 Stuyvesant Ave	Stuyvesant Ave	Van Wageningen Ave	Dead End	SW corner of Stuyvesant Ave and Van Wageningen Ave	
ODAS_WEST_N285	Commzone	40.950422	-73.691968	150 Stuyvesant Ave	Stuyvesant Ave	Van Wageningen Ave	Barron Pl	West Side of Stuyvesant Ave, 4th Pole North of Van Wageningen Ave	No pole tops available
ODAS_WEST_N287	Commzone	40.948598	-73.688398	899 Forest Ave	Forest Ave	Magnolia Pl	Van Wageningen Ave	4th Pole South of Magnolia Pl/ East Side of Forest Ave	No pole tops available
ODAS_WEST_N288	Commzone	40.948246	-73.693019	290 Stuyvesant Ave	Stuyvesant Ave	Van Wageningen Ave	Dead End	West Side of Stuyvesant Ave, 8th Pole South of Van Wageningen Ave	No pole tops available
ODAS_WEST_N289	Commzone	40.955003	-73.690219	740 Old Milton Rd	Old Milton Rd	Stuyvesant Ave	Dead End	West Side of Old Milton Rd, 4th Pole south of Stuyvesant Ave	No pole tops available

Crown Castle NG East LLC
JDE # 339087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-682-7562)Crown Castle NG East LLC
Rye, New York
Jurisdiction: City of Rye

Proposed Distributed Antenna System (DAS) Node Installation

INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:

ODAS_WEST_N208

PROJECT DETAILS: SEE SHEETS 2 AND 3.

GENERAL NOTES:

1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH ALL REQUIREMENTS OF ALL AGENCIES HAVING JURISDICTION OVER THE WORK AND ALL APPLICABLE CODES, INCLUDING, BUT NOT LIMITED TO, LOCAL, STATE AND FEDERAL. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF RYE, NEW YORK, AND THE TELECOMMUNICATIONS INDUSTRY AND LOCAL GOVERNMENT.

NOTE: FINAL DESIGN PENDING
STRUCTURAL REVIEW. CITY OF
RYE TO PROVIDE AS-BUILT
INFORMATION FOR METAL
TRAFFIC POLE INSTALLATION.

ENGINEER:

hbk
ENGINEERING, LLC
201 WEST VAN DYKE, SUITE 100
CHICAGO, IL 60659
TEL: 773.233.1111 FAX: 773.233.1112
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSE NO. 1564296

OWNER/ENGINEER:



NODE LOCATION:

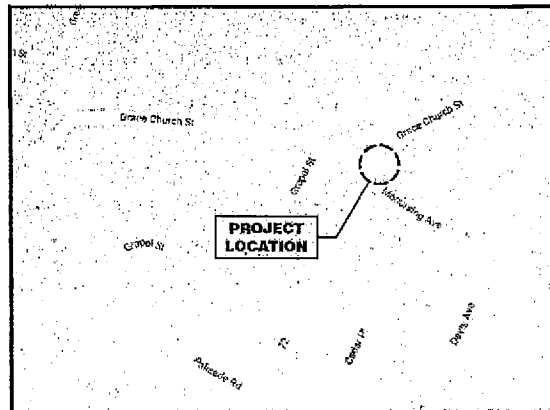
415 Midland Ave
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV.	DATE	DESCRIPTION	BY
001	02-15-17	FOR CLIENT REVIEW	CLM

OWNER BY:	ENGINEER BY:	APPROVED BY:
CLM	MFP	MEC

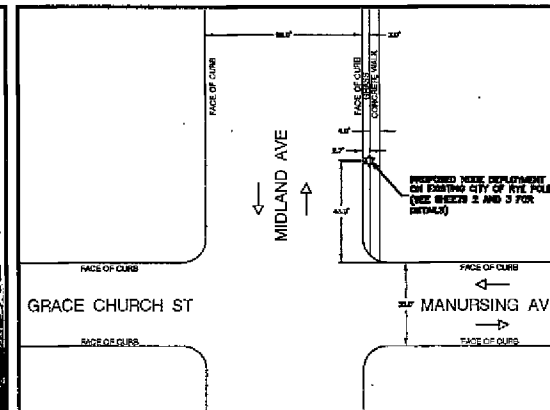
PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N208
DRAWING NUMBER:	RYE_1_017_C
DATE DRAWN:	02-15-17

SHEET
1 OF 3

LOCATION MAP

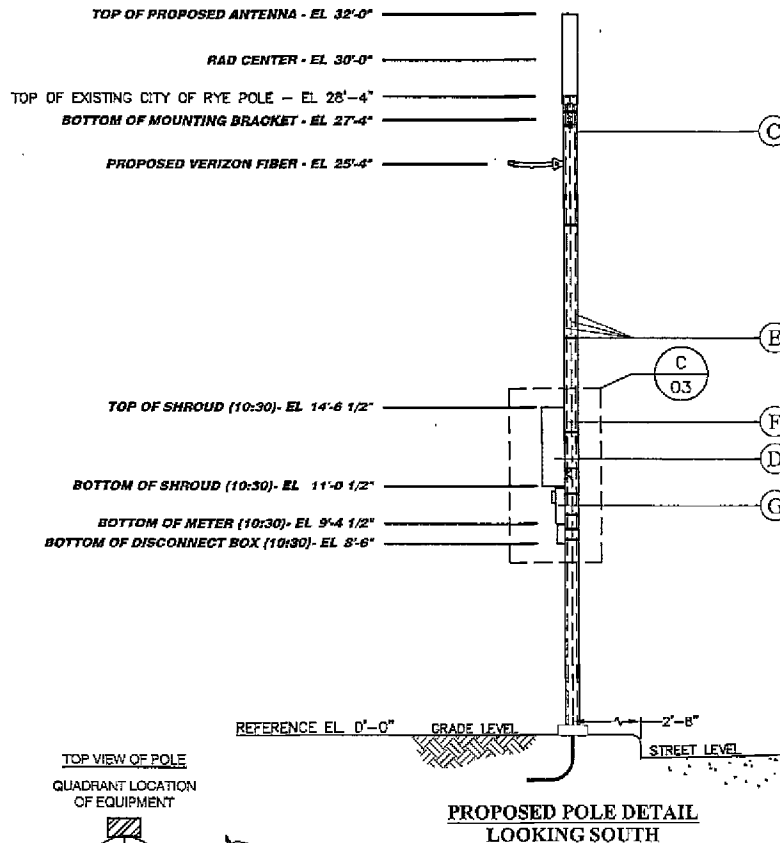
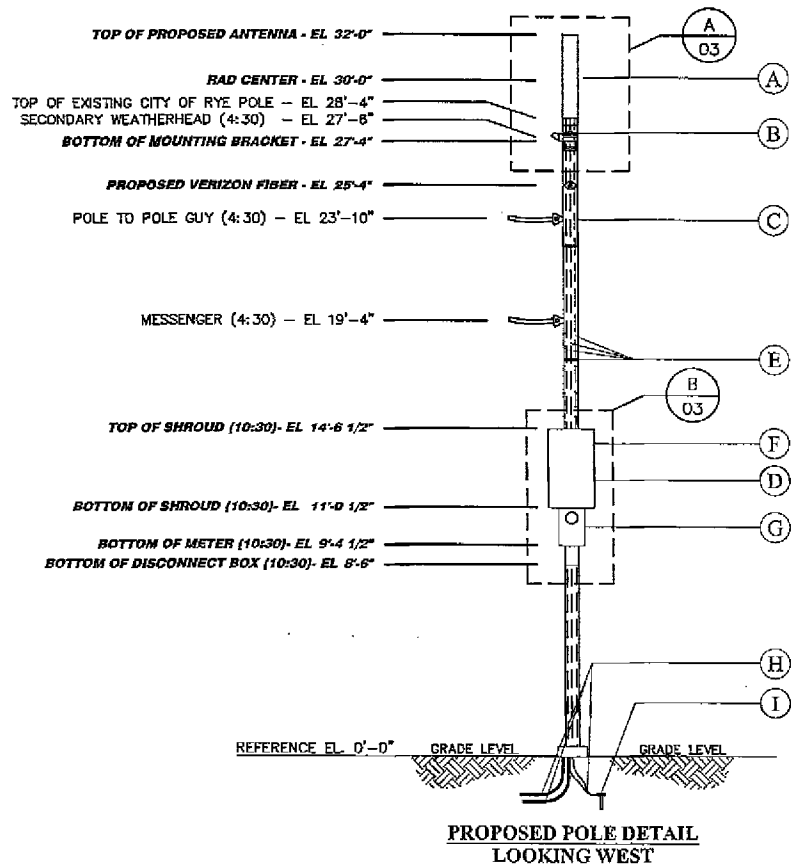
Latitude: 40.98057°N
Longitude: -73.67751°W

LOCATION PHOTO



NODE PLACEMENT

415 Midland Ave
Existing City of Rye pole to remain
First Metal Traffic light north of Manursing on east side of
Midland Ave
Pole ID: W006744

Crown Castle NG East LLC
PROPOSED POLE CONFIGURATIONNOTE: ANTENNA MOUNTING KIT USES
ESTIMATED TYPICAL DIMENSIONS;
ACTUAL PRODUCT MODEL AND
DIMENSIONS TO BE SPECIFIED BY
OTHERS.NOTE: FIBER AND POWER DESIGN BY
OTHERS. PROPOSED ELEVATIONS AND
LOCATIONS ARE ASSUMED.CUSTOMER NO. 03
ODAS WEST_N208

- A** INSTALL NEW ANTENNA
DIMENSIONS - (0000) (14"x10")
WEIGHT - 20 LBS
- B** INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 33 LBS
- C** EXISTING CITY TRAFFIC POLE TO REMAIN.
EXISTING HEIGHT 28'-4" - DIA. 4" (AT GRADE)
- D** INSTALL (2) 10K (LOCATED INSIDE EQUIPMENT
CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - 001 COAXIAL CABLE
1 - VERIZON FIBER CABLE
1 - #8 STRANDED COPPER MINIMUM
- E** INSTALL NEW EQUIPMENT CABINET WITH CHANNEL
AND 3/4" STEEL BANDS
DIMENSIONS - (0000) (42"x24"x12")
WEIGHT - 110 LBS
- F** INSTALL COVER APPROVED LOOKABLE AND TUBED
DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (0000) (8.5"x8"x4")
WEIGHT - 15 LBS
- G** INSTALL COVER APPROVED AIR METER PAN
DIMENSIONS - (0000) (11"x13"x4 7/8")
WEIGHT - 25 LBS
- H** 1 - VERIZON FIBER CABLE
1 - #6/C POWER CABLE
1 - #8 STRANDED COPPER MINIMUM WITH SD
WELDING
- I** INSTALL (1) GROUND ROD 5/8" X 8' LONG MINIMUM
AND COPPER CLAD, IF FROM EXISTING GROUND
ROD, INSTALL (2) GROUND RODS IF NO GROUND ROD
EXISTS.
- J** INSTALL (1) GROUND WIRE, #8 STRANDED COPPER
MINIMUM WITH SD WELDING, 1/2" ID X 8' LG.
STAPLE 1/2" X 2", GALV. BOND TO EXISTING POLE
GROUND (IF PRESENT).

ENGINEER:

hbk
ENGINEERING

HBK ENGINEERING, LLC
201 WEST VAN DYKE, SUITE 100
ATG, CO, IL 60401
708.651.0000 FAX 708.651.0001
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSED ELECTRICAL ENGINEER

CUSTOMER:

**CROWN
CASTLE**

PROJECT LOCATION:

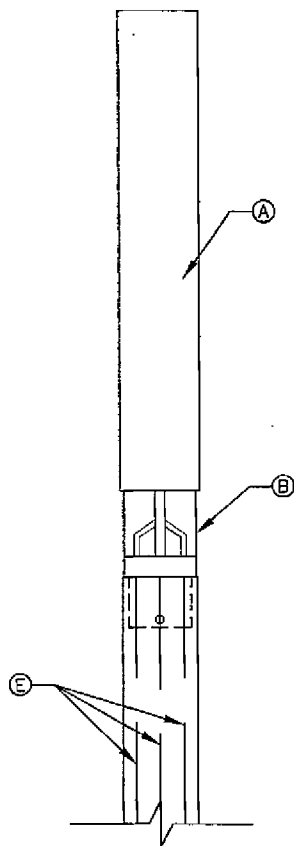
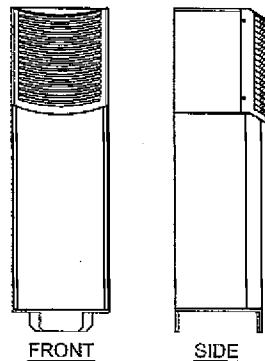
415 Midland Ave
Rye, New York
Jurisdiction: City of Rye

REVISIONS		
REV	DATE	DESCRIPTION
01	02-17-17	FOR CLIENT REVIEW

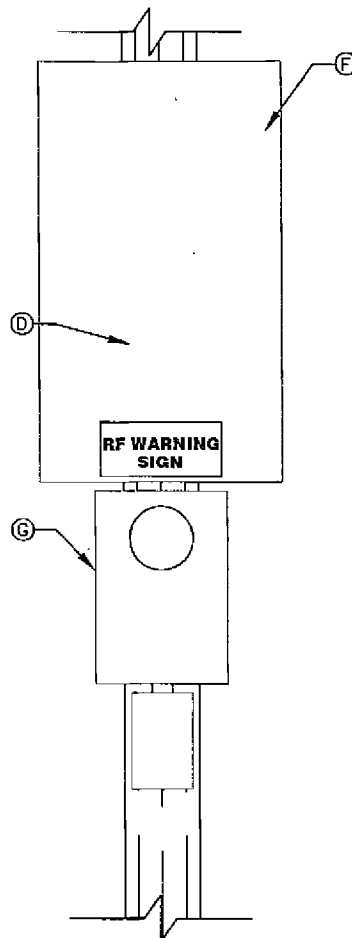
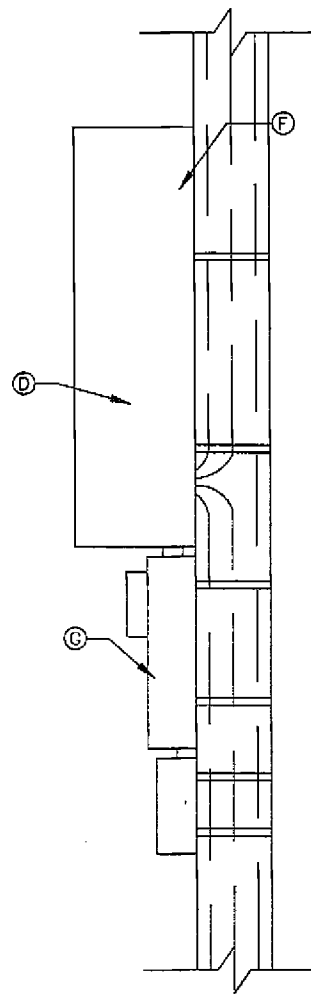
DRAWN BY	CHECKED BY	APPROVED BY
CLM	MFP	MEC

PROJECT NUMBER:	15-1087
FILE NAME:	ODAS WEST_N208
DRAWING NUMBER:	RYE 1_017_C
DATE DRAWN:	02-16-17

SCALE: 2 OF: 3

Crown Castle NG East LLC
PROPOSED EQUIPMENT DETAILSCUSTOMER MODEL:
ODAS_WEST_N208DETAIL 'A'
ANTENNA(S) AND
MOUNTING KIT

ION

DETAIL 'B'
EQUIPMENT FRONT VIEWDETAIL 'C'
EQUIPMENT SIDE VIEW

- INSTALL NEW ANTENNA
DIMENSIONS - (HxWxL) (48"x24"x12")
WEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 33 LBS
- EXISTING CITY TRAFFIC POLE TO REMAIN
EXISTING HEIGHT 28'-4" - (DIA. 4" (AT GRADE))
- INSTALL (2) KVM (LOCATED INSIDE EQUIPMENT CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - CCL CONDUIT CABLE
1 - VERIZON FIBER CABLE
1 - #8 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL AND 3/4" STEEL BANDS
DIMENSIONS - (HxWxL) (42"x24"x12")
WEIGHT - 110 LBS
- INSTALL CONDUIT APPROVED LOCKABLE AND FUSED DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (HxWxL) (8.5"x6"x4")
WEIGHT - 15 LBS
- INSTALL CONDUIT APPROVED AIR METER PAN
DIMENSIONS - (HxWxL) (18"x15"x4 7/8")
WEIGHT - 35 LBS
- 1 - #6/2 POWER CABLE
1 - #8 STRANDED COPPER MINIMUM WITH SD MOLDING
- INSTALL (1) GROUND ROD, 5/8" X 6' LONG MINIMUM AND COPPER CLAD, IF FROM EXISTING GROUND ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD EXISTS.
- INSTALL (1) GROUND WIRE, #8 STRANDED COPPER MINIMUM WITH SD MOLDING, 1/2" ID X 6' L.G., STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE GROUND (IF PRESENT).

ENGINEER:
hbK
ENGINEERING
JER ENGINEERING, LLC
531 N. 1ST AVE. SUITE 100
CHICAGO, IL 60610
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSURE NUMBER 00000000000000000000

OWNER/DEVELOPER:
CC CROWN
CASTLE

PROJECT LOCATION:
415 Midland Ave
Rye, New York
Jurisdiction: City of Rye

REVISIONS		
REV	DATE	DESCRIPTION
01	02-17-17	FOR CLIENT REVIEW

DRAWN BY:	CHECKED BY:	APPROVED BY:
CLM	MFP	MEC

PROJECT NUMBER: 15-1087
FILE NAME: ODAS_WEST_N208
CROWN ID NUMBER: RYE_1_017_C
DATE DRAWN: 02-16-17

SHEET
3 OF 3

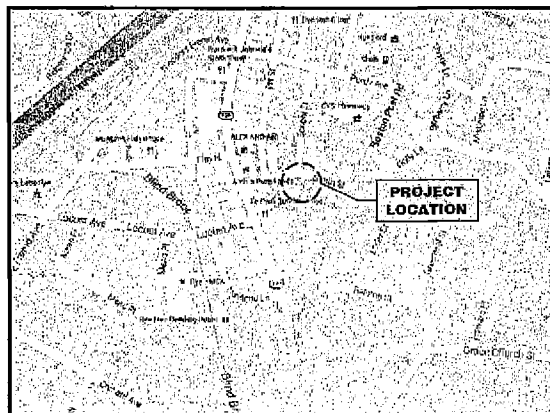
Crown Castle NG East LLC
JDE # 396087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-982-7982)

Crown Castle NG East LLC

Rye, NY

Jurisdiction: City of Rye

Proposed Distributed Antenna System (DAS) Node Installation

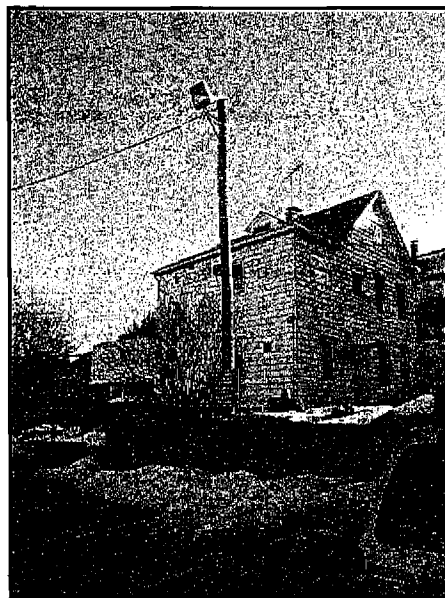


NOT TO SCALE

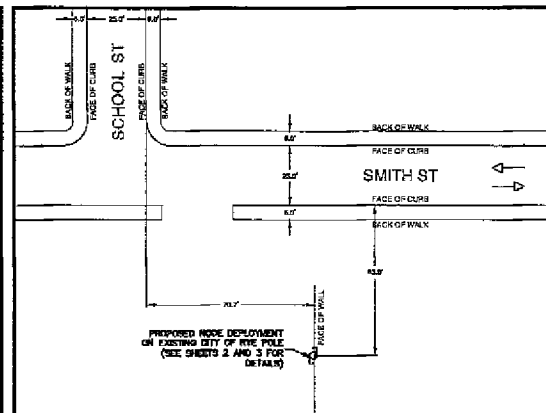
LOCATION MAP

Latitude: 40.98302°N

Longitude: -73.68351°W



LOCATION PHOTO



NOT TO SCALE

NODE PLACEMENT

17 Smith St

Existing City of Rye wood pole to remain
South of Smith St on East side in Rye-owned parking lot
Pole ID: F

INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:
ODAS_WEST_N210

PROJECT DETAIL: SEE SHEETS 2 AND 3.

GENERAL NOTE:
1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE REQUIREMENTS OF ALL AGENCIES INVOLVED IN THE PROJECT AND ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF RYE, STATE AND FEDERAL AGENCIES, THE NATIONAL BUREAU OF STANDARDS, THE NATIONAL ELECTRICAL CODE, AND THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.

ENGINEER:

hbk
ENGINEERING

 HBK ENGINEERING, LLC
 901 WEST WYOMING STREET, SUITE 200
 FARMINGDALE, NY 11737
 PHONE: (516) 334-1100 FAX: (516) 334-1101
 STATE OF NEW YORK DEPARTMENT
 OF ENVIRONMENTAL CONSERVATION
 LICENSE NO. 16466-0001

OWNER/DEVELOPER:

NODE LOCATION:

 17 Smith St
 Rye, NY
 Jurisdiction: City of Rye

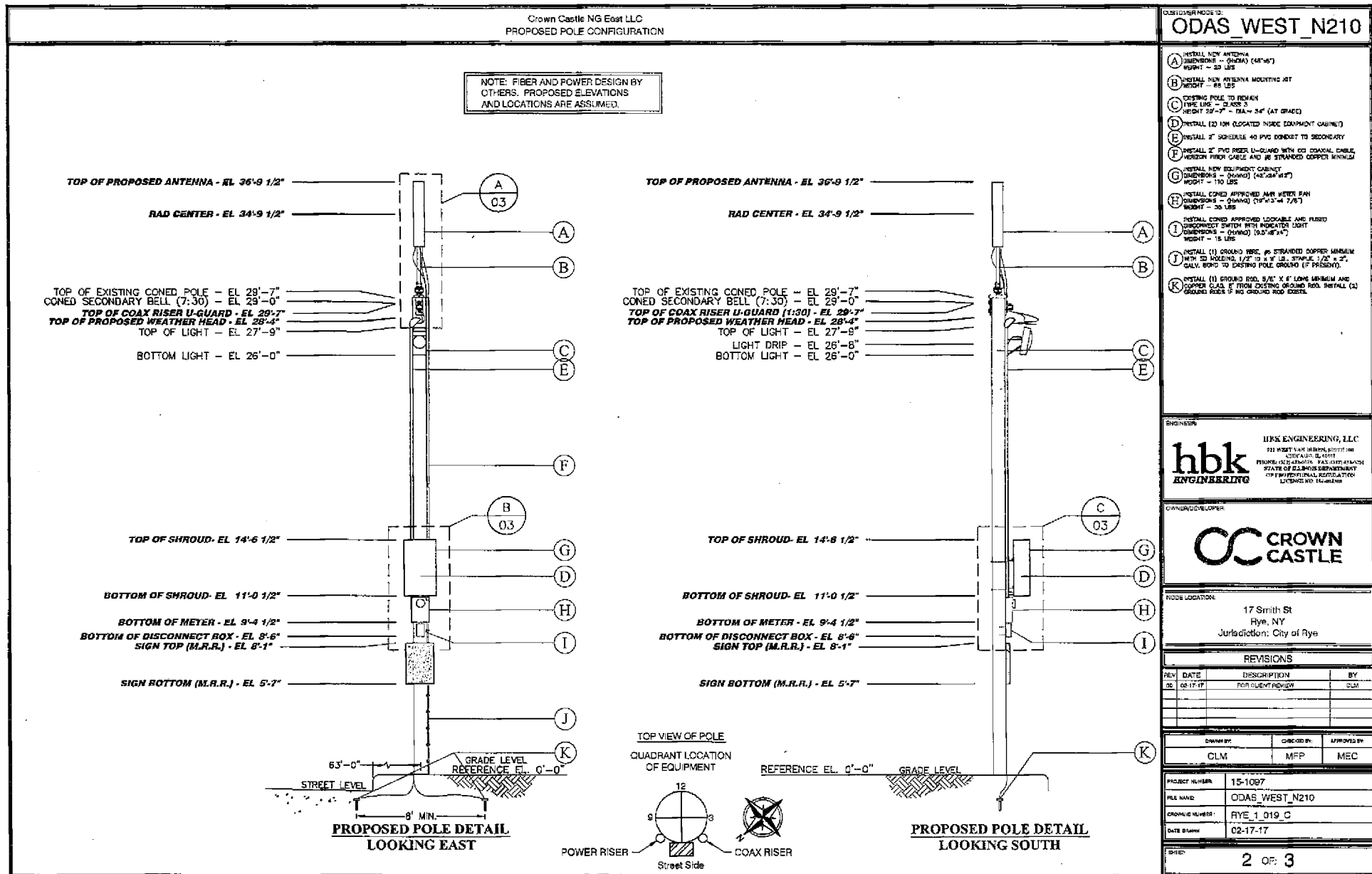
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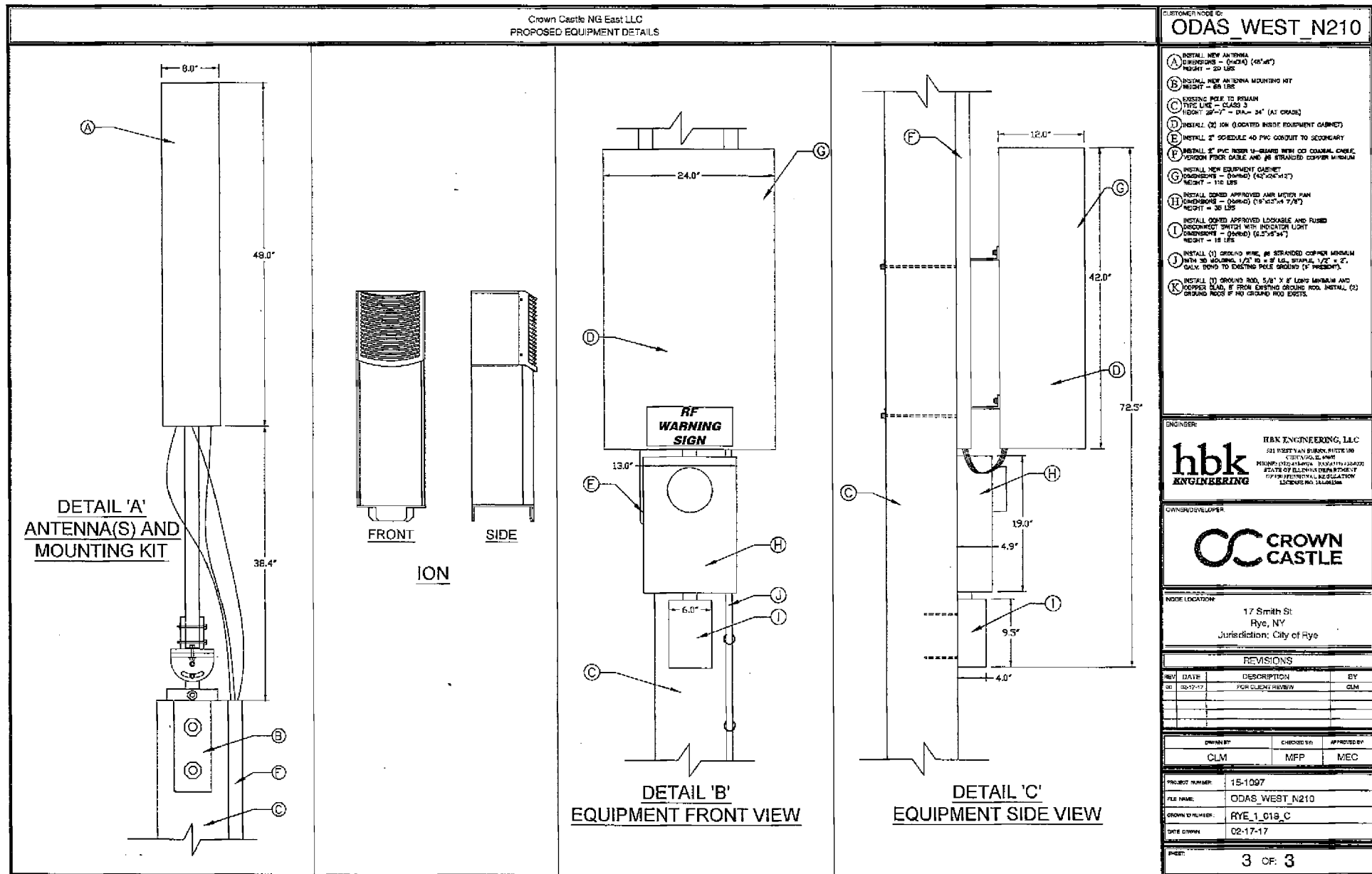
REV	DATE	DESCRIPTION	BY
01	02-17-17	FOR CLIENT REVIEW	CLM

DRAWN BY:	CHECKED BY:	APPROVED BY:
CLM	MFP	MEC

PROJECT NUMBER:	15-1087
P.L. NAME:	ODAS_WEST_N210
CROWN ID NUMBER:	RYE_1_018_C
DATE DRAWN:	02-17-17

SHEET
1 OF 3





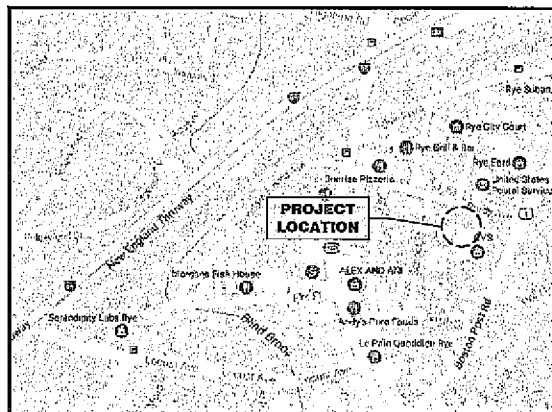
Crown Castle NG East LLC
JOE # 338087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-882-7962)

Crown Castle NG East LLC

Rye, New York

Jurisdiction: City of Rye

Proposed Distributed Antenna System (DAS) Node Installation



NOT TO SCALE

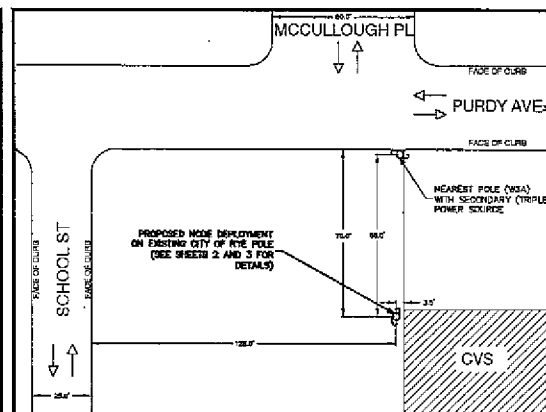
LOCATION MAP

Latitude: 40.79881°N

Longitude: -73.44392°W



LOCATION PHOTO



NOT TO SCALE

NODE PLACEMENT

31 Purdy Ave

Existing City of Rye wood pole to remain
South side of Purdy Ave; East of School Rd
Pole ID: N/A

INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:
ODAS_WEST_N211

PROJECT DETAIL: SEE SHEETS 2 AND 3.

DISCLAIMER: THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AGENCIES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND THE PUBLIC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND THE PUBLIC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND THE PUBLIC.

ENGINEER:

hbk
ENGINEERING

HBK ENGINEERING, LLC
201 WEST VAN BUREN, SUITE 100
CHICAGO, IL 60607
PROJECT: 01-00-000000-000000
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSE NO. 00000000

OWNER/DEVELOPER:

NODE LOCATION:

31 Purdy Ave
Rye, New York
Jurisdiction: City of Rye

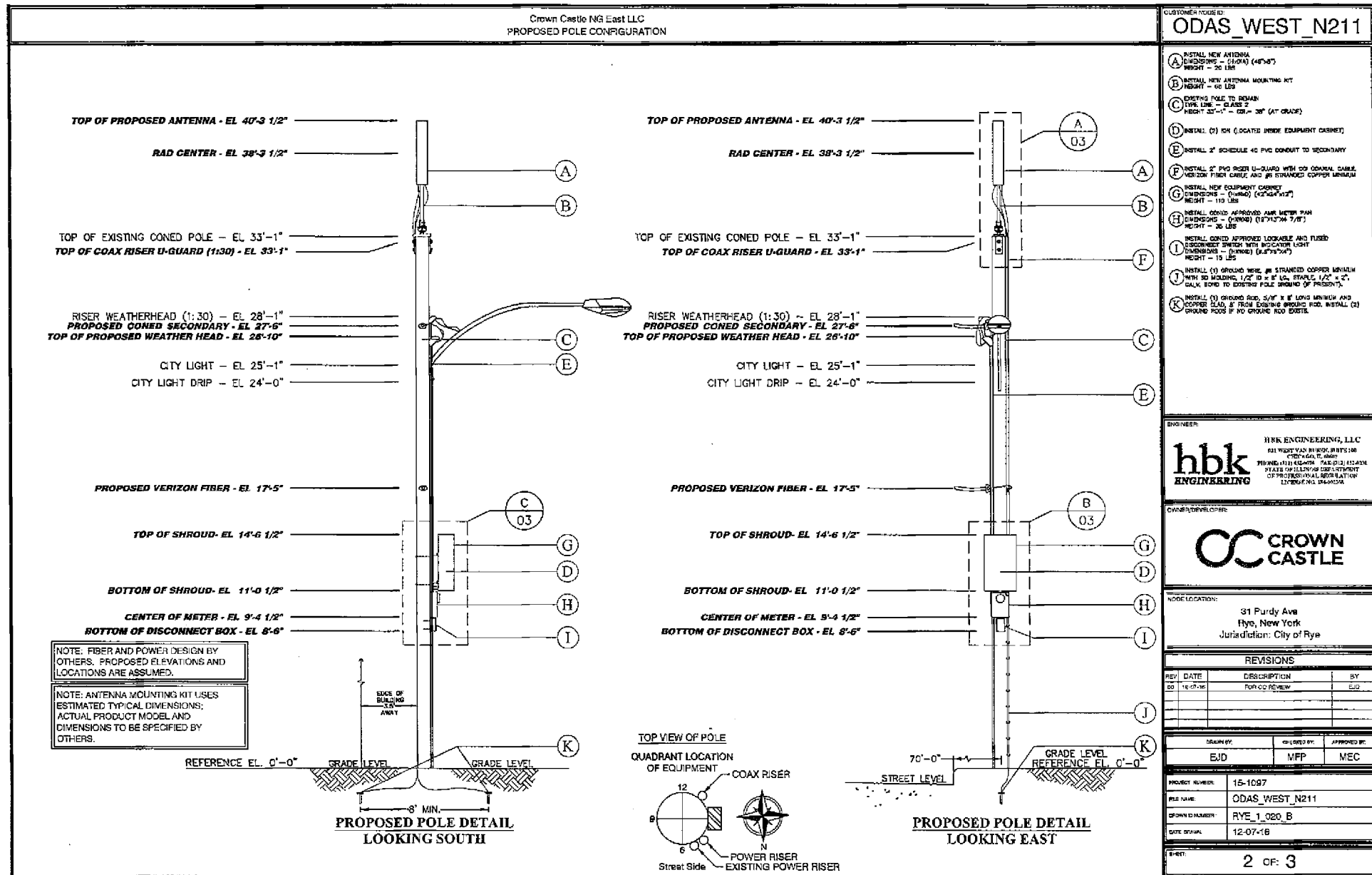
REVISIONS

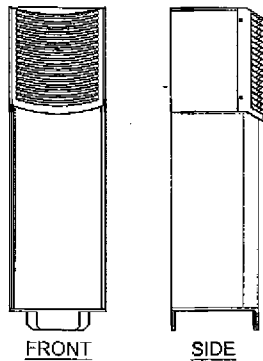
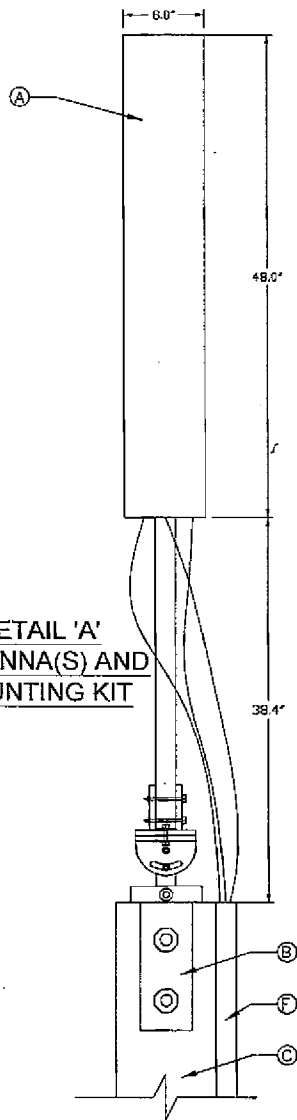
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01	12-07-18	FOR CD REVIEW	EJD

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

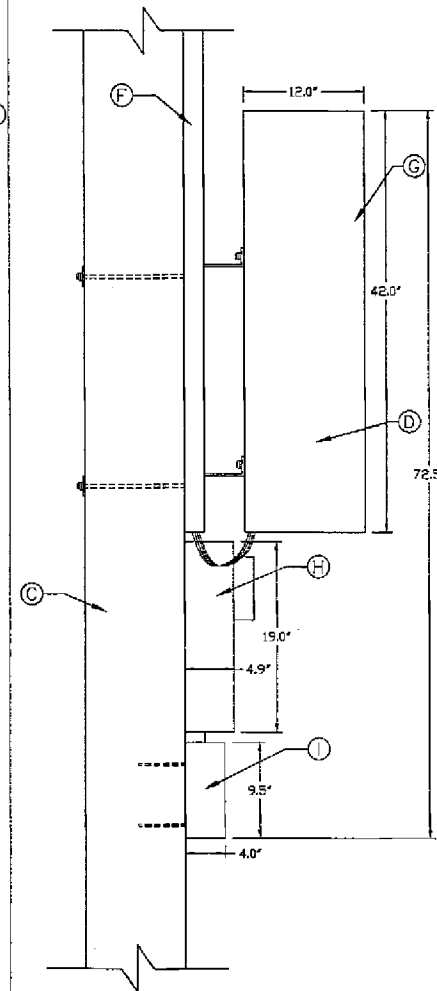
PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N211
CROWN ID NUMBER:	RYE_1_020_8
DATE DRAWN:	12-07-18

SHEET
1 OF 3



Crown Castle NG East LLC
PROPOSED EQUIPMENT DETAILSDETAIL 'A'
ANTENNA(S) AND
MOUNTING KIT

ION

DETAIL 'B'
EQUIPMENT FRONT VIEWDETAIL 'C'
EQUIPMENT SIDE VIEW

CUSTOMER NODE ID:

ODAS_WEST_N211

- (A) INSTALL NEW ANTENNA (EMC/COMP - (140A) (48\"/>

(B) INSTALL NEW ANTENNA MOUNTING KIT (HEIGHT - 60 LBS)

(C) EXISTING POLE TO REMAIN (TYPE LWB - CLASS 2 (HEIGHT 33'-1\"/>

(D) INSIDE (2) IN (LOCATED INSIDE EQUIPMENT CABINET)

(E) INSTALL 2\"/>

(F) INSTALL 2\"/>

(G) INSTALL NEW EQUIPMENT CABINET (DIMENSIONS - (64\"/>

(H) INSTALL COVER APPROVED AND MEETS PER (DIMENSIONS - (48\"/>

(I) INSTALL COVER APPROVED LOCKABLE AND FUSED (DIMENSIONS - (48\"/>

(J) INSTALL (1) GROUND WIRE, #6 STRANDED COPPER MINIMUM WITH 50 HOLDING, 1/2\"/>

(K) INSTALL (1) GROUND ROD, 5/8\"/>

ENGINEER:

hbk
ENGINEERING

 HKB ENGINEERING, LLC
 641 WEST VAN ALLEN BLVD, SUITE 100
 FREDERICK, MD 21704
 PHONE: 410-326-1234 FAX: 410-326-1234
 STATE OF MARYLAND REGISTRATION
 PROFESSIONAL ELECTRICAL ENGINEERING

OWNER/DEVELOPER:

CC CROWN
CASTLE

NODE LOCATION:

 31 Furdy Ave
 Rye, New York
 Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
01	12-07-18	FOR CC REVIEW	640

DESIGNED BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PAC/NOT NUMBER:	15-1087
FILE NAME:	ODAS_WEST_N211
CROWN ID NUMBER:	RYE_1_020_B
DATE CHANG:	12-07-18

SHEET:

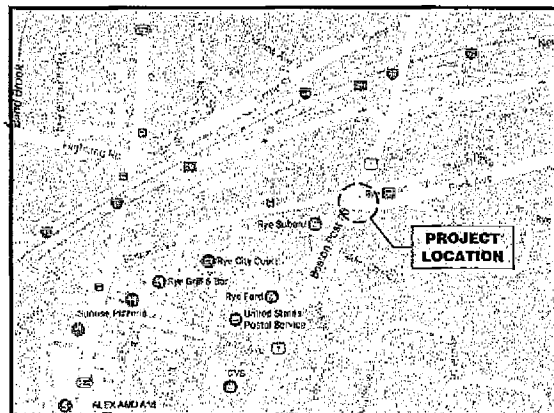
3 OF 3

Crown Castle NG East LLC
JDE # 388087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-982-7962)Crown Castle NG East LLC
Rye, New York
Jurisdiction: City of Rye

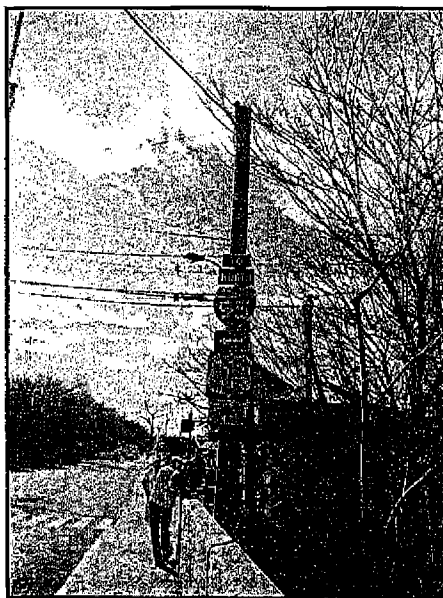
INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

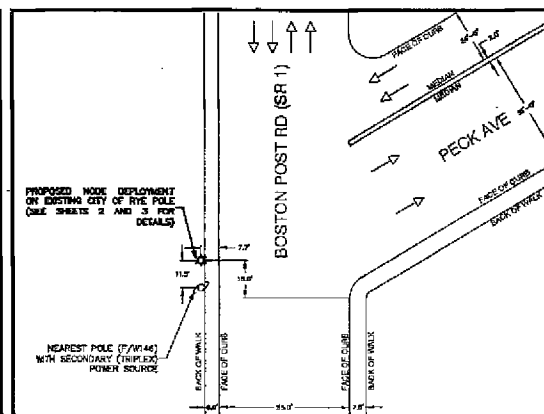
Proposed Distributed Antenna System (DAS) Node Installation



LOCATION MAP

Latitude: 40.98583°N
Longitude: -73.68120°W

LOCATION PHOTO



NODE PLACEMENT

1186 Boston Post Rd
Existing City of Rye pole to remain
Metal pole on West side of Boston Post Road south side
of the intersection with Peck Avenue
Pole ID: N/ACUSTOMER NODE ID:
ODAS_WEST_N212

PROJECT DETAILS: SEE SHEETS 2 AND 3.

NOTICE:

1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE REGULATIONS OF ALL AGENCIES INVOLVED IN THE PROJECT AND ALL APPLICABLE CODES, INCLUDING, BUT NOT LIMITED TO, FACILITY OWNERS, CITY OF RYE, LOCAL, STATE AND FEDERAL, AND THE NATIONAL ELECTRICAL SAFETY CODE, THE NATIONAL FIRE PROTECTION ASSOCIATION, AND THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.

NOTE: FINAL DESIGN PENDING
STRUCTURAL REVIEW. CITY OF
RYE TO PROVIDE AS-BUILT
INFORMATION FOR METAL
TRAFFIC POLE INSTALLATION.

ENGINEER:

hbk
ENGINEERING
HBK ENGINEERING, LLC
521 WEST VAN BUREN BLVD. 100
FLOOR 10, NEW YORK, NY 10036
STATISTICAL INFORMATION
OF PROFESSIONAL QUALITY
CERTIFICATION, SEE ABOVE

OWNER/DEVELOPER:

NODE LOCATION:

1186 Boston Post Rd
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-08-16	FOR CD REVIEW	EJD
01	01-11-17	PER CLIENT REVIEW	CLM
02	02-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY:

CHECKED BY:

APPROVED BY:

EJD

MFP

MEC

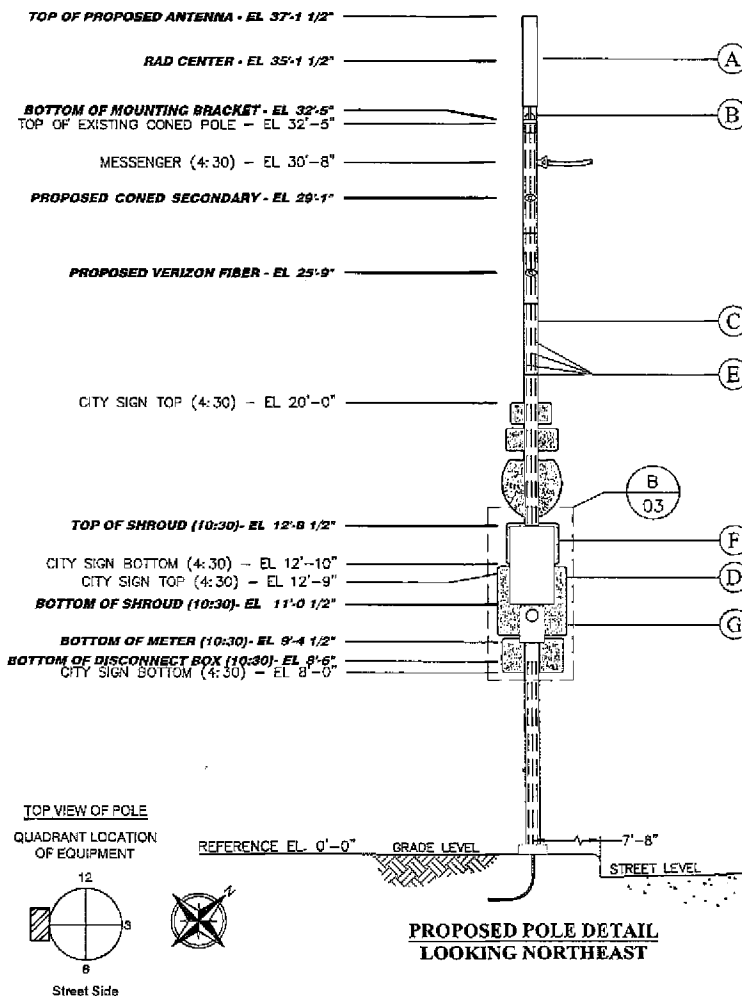
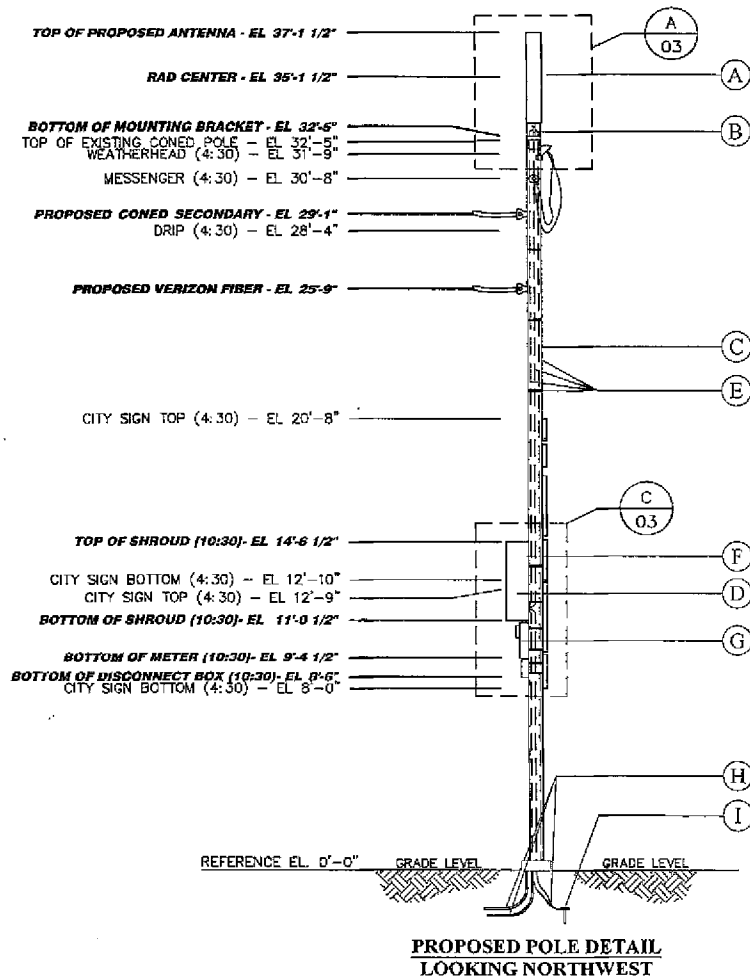
PROJECT NUMBER: 15-1087

FILE NAME: ODAS_WEST_N212

CHECKED NUMBER: RYE_1_021_B

DATE DRAWN: 12-08-16

SHEET: 1 OF 3

Crown Castle NG East LLC
PROPOSED POLE CONFIGURATION

NOTE: FIBER AND POWER DESIGN BY OTHERS. PROPOSED ELEVATIONS AND LOCATIONS ARE ASSUMED.

NOTE: ANTENNA MOUNTING KIT USES ESTIMATED TYPICAL DIMENSIONS; ACTUAL PRODUCT MODEL AND DIMENSIONS TO BE SPECIFIED BY OTHERS.

CUSTOMER NO: **ODAS_WEST_N212**

- (A)** INSTALL NEW ANTENNA
DIMENSIONS - 9'(DIA) (45'x3')
WEIGHT - 20 LBS
- (B)** INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 23 LBS
- (C)** EXISTING CITY LIGHT POLE TO REMAIN.
EXISTING HEIGHT 32'-5" - CRL = 55' (AT GRADE)
- (D)** INSTALL (2) 10N (LOCATED INSIDE EQUIPMENT CABINET)
- (E)** INSTALL CONDUIT OUTSIDE OF POLE SHAFT WITH STEEL BANDS
2 - CO COAXIAL CABLE
1 - VERIZON FIBER CABLE
1 - #6 STRANDED COPPER MINIMUM
- (F)** INSTALL NEW EQUIPMENT CABINET WITH CHANNEL
DIMENSIONS - (HMM) (42"x24"x12")
WEIGHT - 110 LBS
INSTALL CONED APPROVED LOCKABLE AND FUSED DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (HMM) (8.5"x5"x4")
WEIGHT - 15 LBS
- (G)** INSTALL CONED APPROVED AMM METER PAN
DIMENSIONS - (HMM) (19"x13"x4 7/8")
WEIGHT - 35 LBS
- (H)** 1 - VERIZON FIBER CABLE
1 - #6/2 POWER CABLE
1 - #6 STRANDED COPPER MINIMUM WITH SD MOLDING
- (I)** INSTALL (1) GROUND ROD, 5/8" X 6' LONG MINIMUM AND COPPER GLAD, 8" FROM EXISTING GROUND ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD EXISTS.
- (J)** INSTALL (1) GROUND WIRE, #6 STRANDED COPPER MINIMUM WITH SD MOLDING, 1/2" ID X 8' LG. STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE GROUND (IF PRESENT).

ENGINEER:

hbk
ENGINEERING

HINK ENGINEERING, LLC
20 WEST VAN HORN AVENUE
CHICAGO, IL 60607
PHONE: (773) 444-7474 FAX: (773) 444-7474
STATE: ILLINOIS REGISTRATION NO. 071700000000000000
1110 N. W. 20TH AVE, SUITE 200

OWNER/DEVELOPER:

CC CROWN
CASTLE

NODE LOCATION:

1166 Boston Post Rd
Rye, New York
Jurisdiction: City of Rye

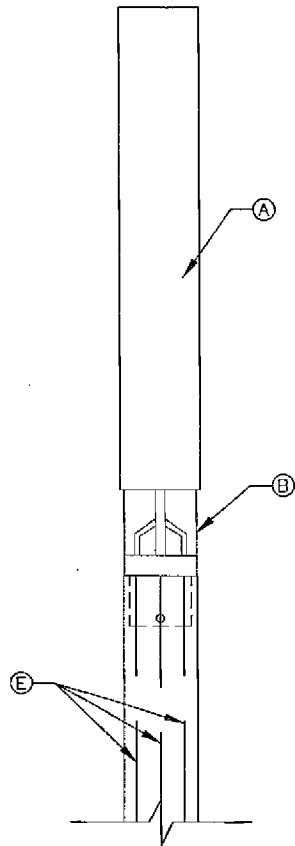
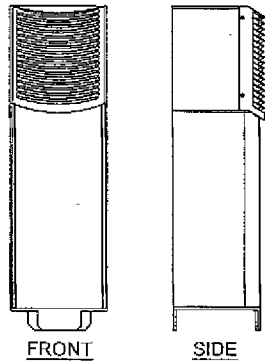
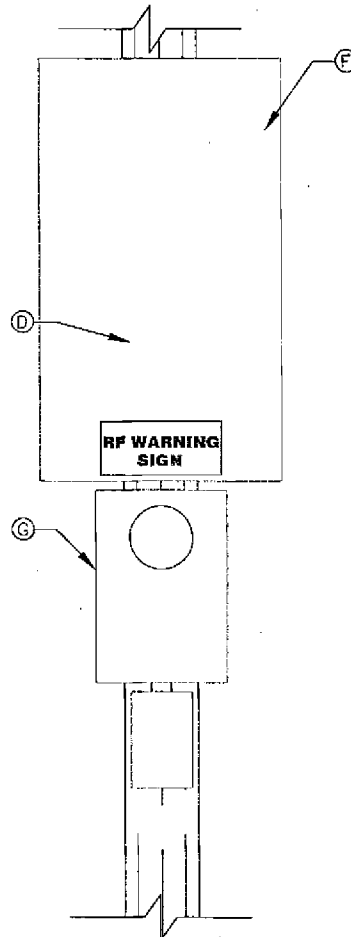
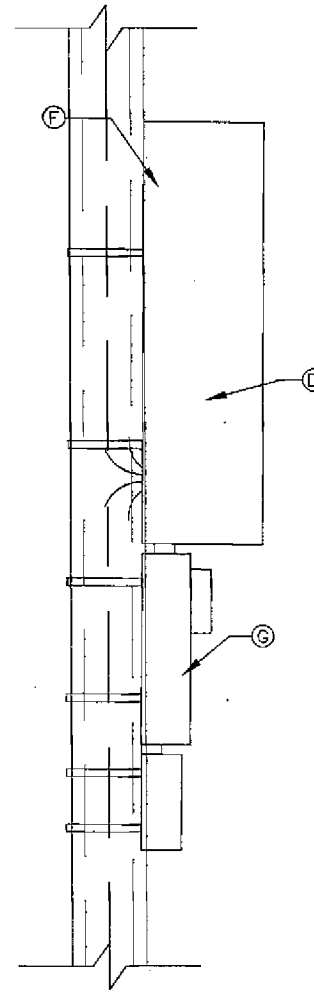
REVISIONS

REV	DATE	DESCRIPTION	BY
00	10-09-18	PERIOD REVIEW	EJD
01	01-11-17	PER INTERNAL REVIEW	CLM
02	02-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER	15-1097
FILE NAME	ODAS_WEST_N212
ORDER NUMBER	RYE_1_021_B
DATE ORDER	12-05-16

Sheet: **2 OF 3**

Crown Castle NG East LLC
PROPOSED EQUIPMENT DETAILSCUSTOMER NODE ID:
ODAS_WEST_N212**DETAIL 'A'**
ANTENNA(S) AND
MOUNTING KIT**ION****DETAIL 'B'**
EQUIPMENT FRONT VIEW**DETAIL 'C'**
EQUIPMENT SIDE VIEW

- INSTALL NEW ANTENNA**
DIMENSIONS - (HxWxL) (48"x36")
WEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT**
WEIGHT - 23 LBS
- EXISTING CITY LIGHT POLE TO REMAIN**
EXISTING HEIGHT 32'-5" - OR - 55' (AT GRADE)
- INSTALL (2) ION (LOCATED INSIDE EQUIPMENT CABINET)**
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT**
WITH STEEL BANDS
2 - CO COAXIAL CABLE
1 - VERIZON FIBER CABLE
1 - #6 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL AND 1/4" STEEL BANDS**
DIMENSIONS - (HxWxL) (42"x24"x12")
WEIGHT - 110 LBS
INSTALL CONED APPROVED LOCKABLE AND FUSED DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (HxWxL) (9.5"x8"x4")
WEIGHT - 15 LBS
- INSTALL CONED APPROVED AMR METER PAN**
DIMENSIONS - (HxWxL) (18"x15"x4 7/8")
WEIGHT - 35 LBS
- 1 - VERIZON FIBER CABLE
1 - #6/2 POWER CABLE
1 - #6 STRANDED COPPER MINIMUM WITH SD MOLDING
- INSTALL (1) GROUND ROD, 5/8" X 8' LONG MINIMUM AND COPPER CLAD, 8' FROM EXISTING GROUND ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD EXISTS.**
- INSTALL (1) GROUND WIRE, #6 STRANDED COPPER MINIMUM WITH SD MOLDING, 1/2" ID X 8' LG., STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE GROUND (IF PRESENT).**

ENGINEER:

hbk
ENGINEERING

HBK ENGINEERING, LLC
671 WEST VAN BUREN, SUITE 100
RYE, NY 10586
PHONE: (914) 346-8888 FAX: (914) 346-8888
STATE OF NEW YORK REGISTRATION
OF PROFESSIONAL ENGINEERS
LIC. ENG. NO. 184-01818

OWNER/DEVELOPER:

CC CROWN
CASTLE

NODE LOCATION:

1106 Boston Post Rd
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
01	12-08-18	FOR DC REVIEW	EJD
02	12-11-17	PER INTERNAL REVIEW	CLM
03	01-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER	15-1097
FILE NAME	ODAS_WEST_N212
CROWN ID NUMBER	RYE 1 021_B
DATE DRAWN	12-08-18

SHEET:
3 OF 3

Crown Castle NG East LLC
JOE # 336087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-982-7962)Crown Castle NG East LLC
Rye, New York
Jurisdiction: City of Rye

Proposed Distributed Antenna System (DAS) Node Installation

INDEX TO SHEETS

1. TITLE, LOCATION MAP - NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:
ODAS_WEST_N220

PROJECT DETAILS: SEE SHEETS 2 AND 3.

GENERAL NOTE:
THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE
REQUIREMENTS OF ALL AGENCIES HAVING JURISDICTION OVER THE WORK AND
ALL APPLICABLE CODES, REGULATIONS, AND NOT LIMITED TO:
FEDERAL COMMUNICATIONS COMMISSION (FCC), NEW YORK STATE AND FEDERAL
REGULATIONS, THE NATIONAL ELECTRICAL SAFETY CODE, THE NATIONAL ELECTRIC CODE
AND THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.NOTE: FINAL DESIGN PENDING
STRUCTURAL REVIEW. CITY OF
RYE TO PROVIDE AS-BUILT
INFORMATION FOR METAL
TRAFFIC POLE INSTALLATION.

ENGINEER:

hbk
ENGINEERING
HBK ENGINEERING, LLC
610 WEST VAN SICKEN, SUITE 100
CHICAGO, IL 60607
PHONE: (773) 444-4444 FAX: (773) 444-4444
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSE NO. 186-000000

OWNER/DEVELOPER:

NODE LOCATION:

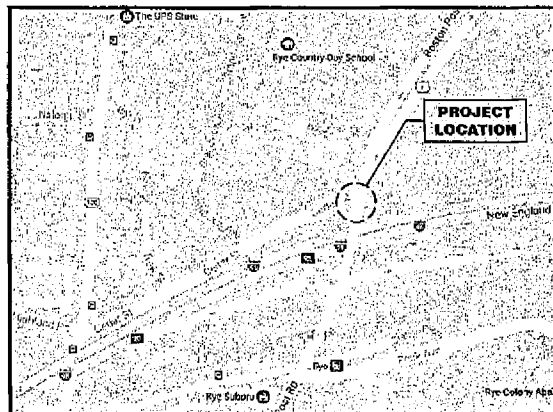
NY Thruway/ US RT 1
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
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02	01-11-17	PER INTERNAL REVIEW	CLM
03	02-17-17	PER CLIENT COMMENTS	CLM

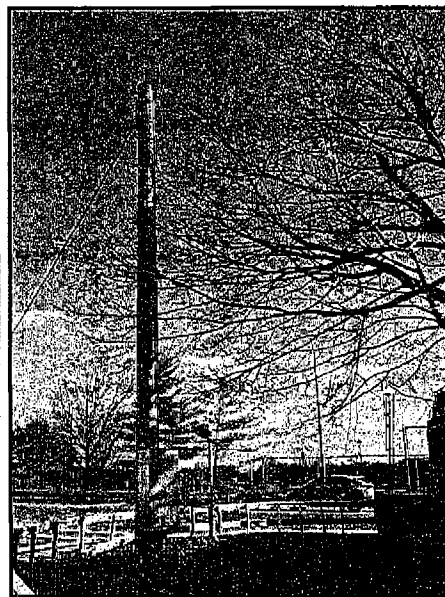
DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N220
ENGINEER NUMBER:	RYE_1_029_B
DATE DRAWN:	12-07-16
SHEET:	1 OF 3

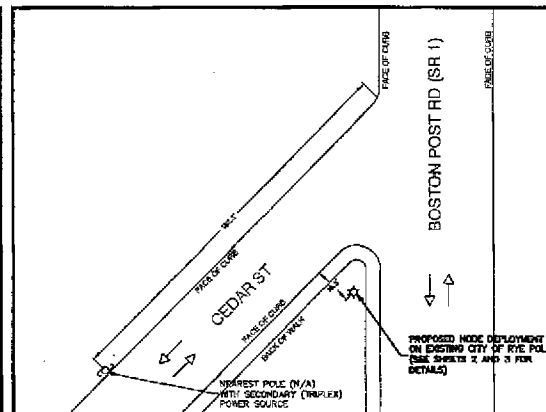


NOT TO SCALE

LOCATION MAP

Latitude: 40.98775°N
Longitude: -73.68033°W

LOCATION PHOTO



NOT TO SCALE

NODE PLACEMENT

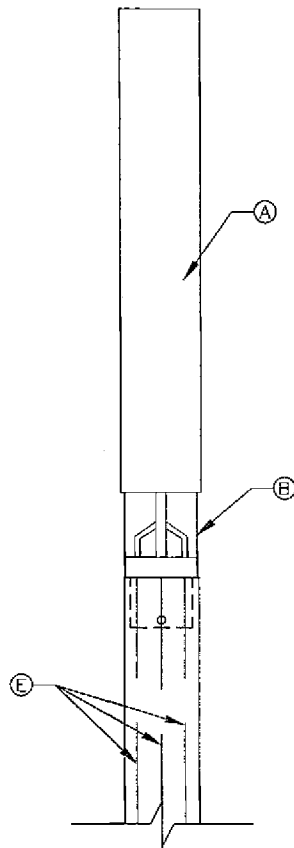
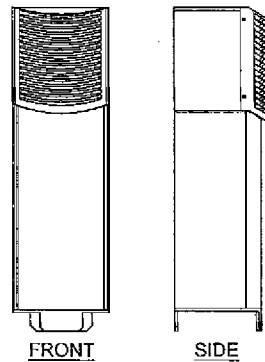
NY Thruway/ US RT 1
Existing City of Rye pole to remain
SW corner of Cedar St and Boston Post Rd
Pole ID: W008935



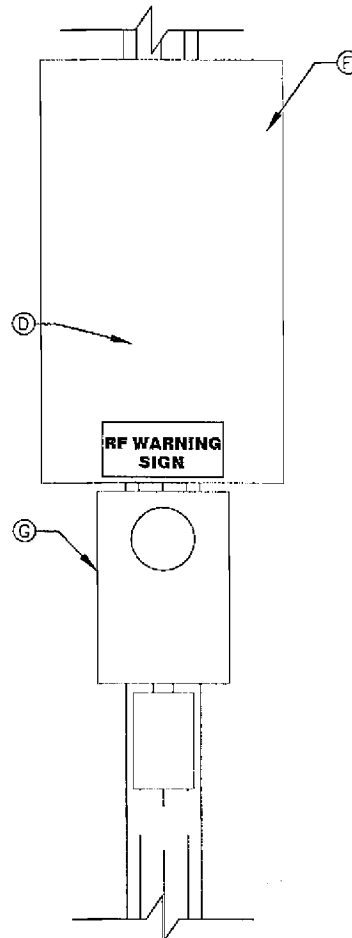
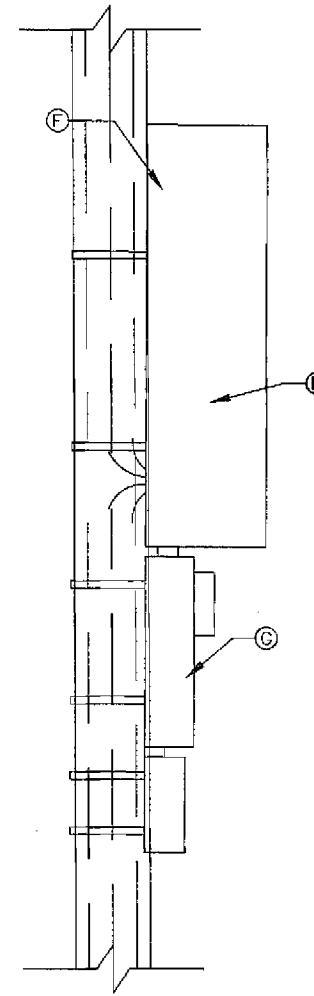
Crown Castle NG East LLC
PROPOSED EQUIPMENT DETAILS

CUSTOMER ORDER NO.

ODAS_WEST_N220

DETAIL 'A'
ANTENNA(S) AND
MOUNTING KIT

ION

DETAIL 'B'
EQUIPMENT FRONT VIEWDETAIL 'C'
EQUIPMENT SIDE VIEW

- INSTALL NEW ANTENNA
DIMENSIONS - (H)102" (48"28")
WEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 20 LBS
- EXISTING CITY LIGHT POLE TO REMAIN.
EXISTING HEIGHT 32'-4" - OR = 54' (AT GRADE)
- INSTALL (2) ION (LOCATED INSIDE EQUIPMENT CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - 100 OHM COAXIAL CABLE
1 - VERIZON FIBER CABLE
1 - #6 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL AND 3/4" STEEL BANDS
DIMENSIONS - (H)102" (48"28") x 17"
WEIGHT - 110 LBS
- INSTALL CONED APPROVED LOCKABLE AND FUSED DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (H)102" (48"28") x 17"
WEIGHT - 15 LBS
- INSTALL CONED APPROVED AMR METER PAN
DIMENSIONS - (H)102" (48"28") x 17"
WEIGHT - 35 LBS
- 1 - VERIZON FIBER CABLE
1 - #6/2 POWER CABLE
1 - #6 STRANDED COPPER MINIMUM WITH 90 MOLDING
- INSTALL (1) GROUND ROD, 5/8" X 8' LONG MINIMUM AND COPPER GLAD, 8" FROM EXISTING GROUND ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD EXISTS.
- INSTALL (1) GROUND WIRE, #6 STRANDED COPPER MINIMUM WITH 90 MOLDING, 1/2" ID X 8' LG. STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE GROUND (IF PRESENT).

ENGINEER:

hbk
ENGINEERING

HBK ENGINEERING, LLC
100 HOBBS AVENUE, SUITE 100
CHICAGO, IL 60607
PHONE: 312.461.1111 FAX: 312.461.1112
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSE NO. 116-01206

OWNER/ENGINEER:

CC CROWN
CASTLE

MODE LOCATION:

NY Thruway/ US RT 1
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-07-18	FOR CD REVIEW	EJD
01	01-11-17	PER INTERNAL REVIEW	CLM
02	02-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFF	MEC

PROJECT NUMBER	15-1087
FILE NAME	ODAS_WEST_N220
DRAWING NUMBER	RYE_1_028_B
DATE DRAWN	12-07-18

SHEET:

3 OF 3

Crown Castle NG East LLC
JDE # 338087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-662-7952)Crown Castle NG East LLC
Rye, New York
Jurisdiction: City of Rye

Proposed Distributed Antenna System (DAS) Node Installation

INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:
ODAS_WEST_N229

PROJECT DETAIL: SEE SHEETS 2 AND 3.

GENERAL NOTE:
1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE REQUIREMENTS OF ALL AGENCIES INVOLVED JURISDICTION OVER THE WORK AND ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO: PROJECT OWNER, CITY, COUNTY, STATE, FEDERAL, STATE AND FEDERAL, AGENCIES, THE NATIONAL ELECTRICAL SAFETY CODE, THE NATIONAL ELECTRICAL CODE AND THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.

NOTE: FINAL DESIGN PENDING
STRUCTURAL REVIEW. CITY OF
RYE TO PROVIDE AS-BUILT
INFORMATION FOR METAL
TRAFFIC POLE INSTALLATION.

ENGINEER:

HBK ENGINEERING, LLC
351 WEST 14TH STREET, 10TH FLOOR
NEW YORK, NY 10011
TELEPHONE: 212-691-1111
FAX: 212-691-1112
WWW.HBK-ENGINEERING.COM

OWNER/DEVELOPER:

NODE LOCATION:

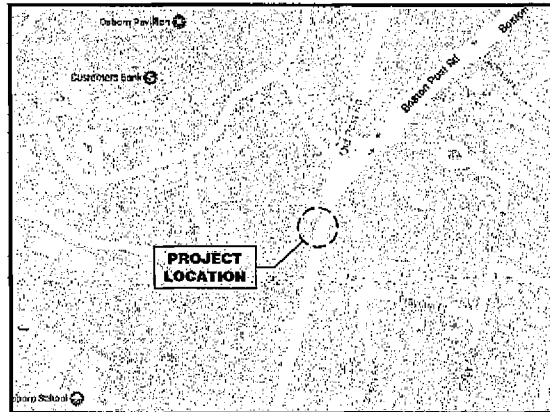
200 Old Post Rd
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-08-18	FOR CD REVIEW	EJD
01	01-11-17	PER INTERNAL REVIEW	CLM
02	02-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER:	15-1097
TITLE NAME:	ODAS_WEST_N229
CROWN ID NUMBER:	RYE_2_004_B
DATE DRAWN:	12-08-18

SHEET
1 OF 3

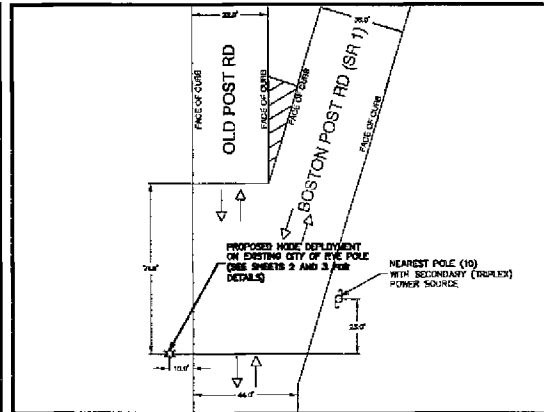
NOT TO SCALE

LOCATION MAP

Latitude: 40.96893°N
Longitude: -73.69780°W



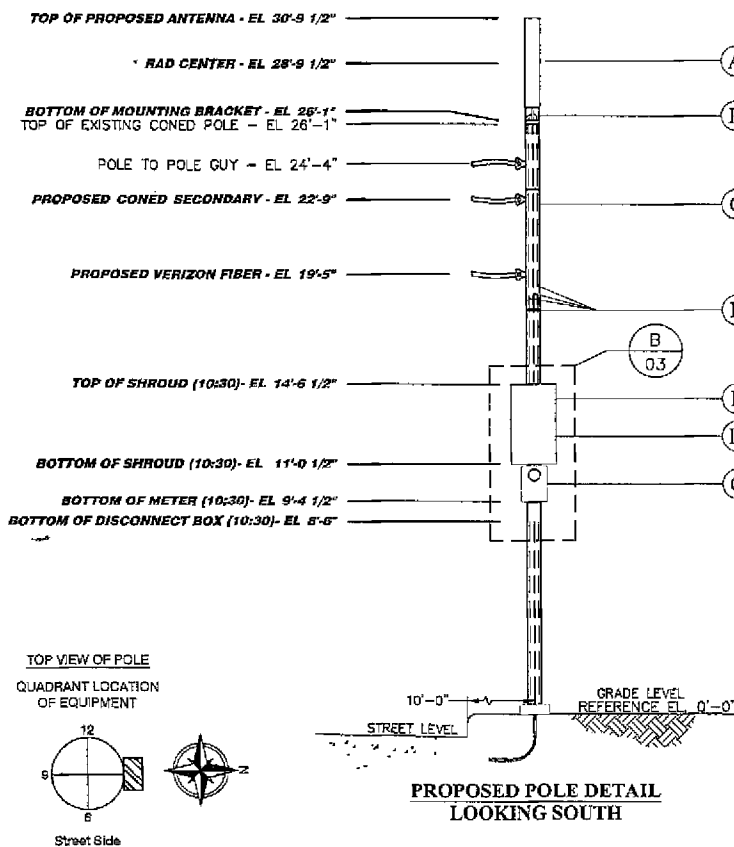
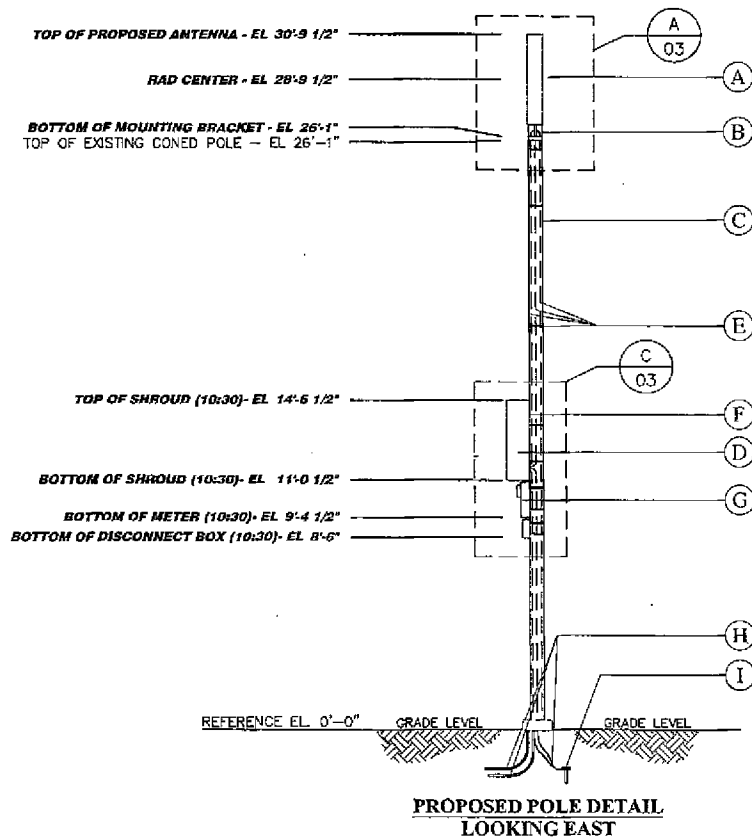
LOCATION PHOTO



NOT TO SCALE

NODE PLACEMENT

200 Old Post Rd
Existing City of Rye pole to remain
NW side of Old Post Rd at the intersection of Boston
Post Rd
Pole ID: W019306

Crown Castle NG East LLC
PROPOSED POLE CONFIGURATIONNOTE: FIBER AND POWER DESIGN BY
OTHERS. PROPOSED ELEVATIONS AND
LOCATIONS ARE ASSUMED.NOTE: ANTENNA MOUNTING KIT USES
ESTIMATED TYPICAL DIMENSIONS;
ACTUAL PRODUCT MODEL AND
DIMENSIONS TO BE SPECIFIED BY
OTHERS.

CUSTOMER PROJECT NO.

ODAS_WEST_N229

- INSTALL NEW ANTENNA
DIMENSIONS - (500IA) (45"X25")
WEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 23 LBS
- EXISTING CITY LIGHT POLE TO REMAIN
EXISTING HEIGHT 25'-1" - CR. - 31" (AT GRADE)
- INSTALL (2) ON (LOCATED INSIDE EQUIPMENT
CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - CO CHANNEL CABLE
1 - VERIZON FIBER CABLE
1 - #8 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL
AND 3/4" STEEL BANDS
DIMENSIONS - (44WXC) (42"X24"X12")
WEIGHT - 110 LBS
- INSTALL CONED APPROVED LOCKABLE AND FUSED
DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (44WXC) (5.5"X5"X4")
WEIGHT - 15 LBS
- INSTALL CONED APPROVED AMR METER PAN
DIMENSIONS - (44WXC) (19"X13"X4 7/8")
WEIGHT - 35 LBS
- 1 - VERIZON FIBER CABLE
1 - #6/C POWER CABLE
1 - #8 STRANDED COPPER MINIMUM WITH SD
MOLDING
- INSTALL (1) GROUND ROD, 5/8" X 8' LONG MINIMUM
AND COPPER CLAD, 8' FROM EXISTING GROUND
ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD
EXISTS
- INSTALL (1) GROUND WIRE, #8 STRANDED COPPER
MINIMUM WITH SD MOLDING, 1/2" ID x 8' LG.
STAPLE, 1/2" x 2", GALV. BOND TO EXISTING POLE
GROUND (IF PRESENT).

ENGINEER:

hbk
ENGINEERING

HBK ENGINEERING, LLC
300 WEST VAN DYKE AVE. SUITE 100
CHICAGO, IL 60659
PHONE: 312-462-1010 FAX: 312-462-1011
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSED PROFESSIONAL ENGINEER

OWNER/DEVELOPER:

CROWN
CASTLE

PROJECT LOCATION:

200 Old Post Rd
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-06-16	FOR CO REVIEW	EJD
01	01-11-17	PER INTERNAL REVIEW	CLM
02	02-07-17	PER CLIENT COMMENTS	CLM

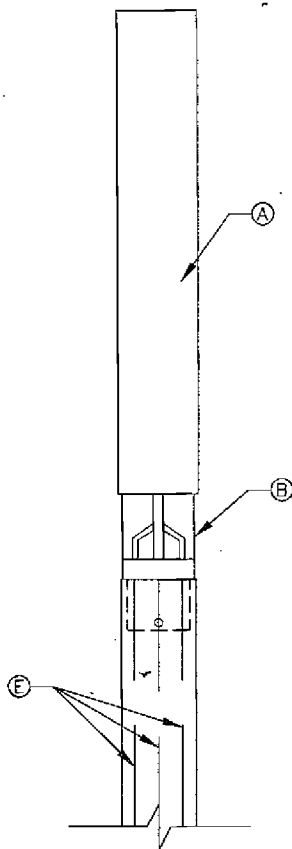
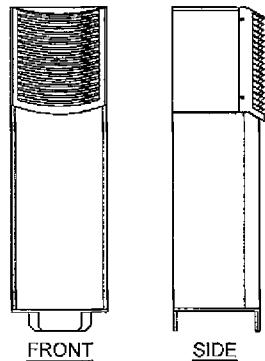
DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N229
CROWN EXAMINER:	RYE_2_004_B
DATE DRAWN:	12-06-16

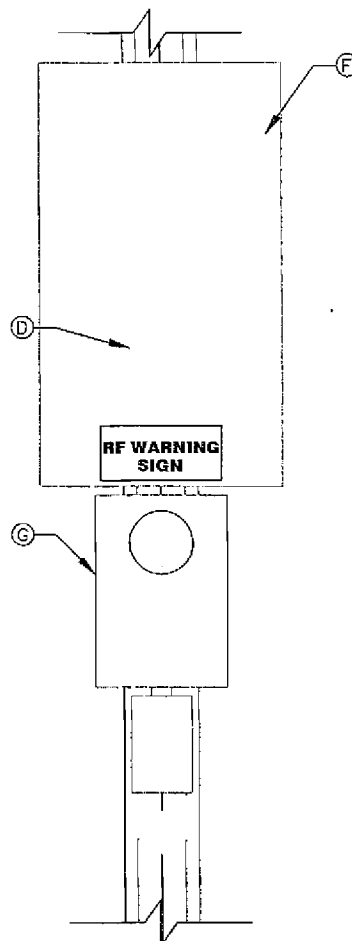
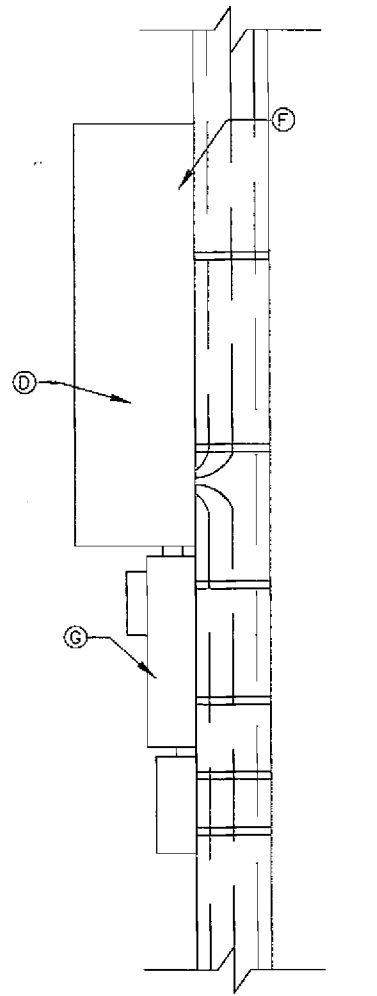
SHEET: 2 OF 3

Crown Castle NG East LLC
PROPOSED EQUIPMENT DETAILS

CUSTOMER CODE: ODAS_WEST_N229

DETAIL 'A'
ANTENNA(S) AND
MOUNTING KIT

ION

DETAIL 'B'
EQUIPMENT FRONT VIEWDETAIL 'C'
EQUIPMENT SIDE VIEW

- INSTALL NEW ANTENNA
DIMENSIONS - (H400A) (48"x48")
WEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 23 LBS
- EXISTING CITY LIGHT POLE TO REMAIN
EXISTING HEIGHT 28'-4" - OR 31' (AT GRADE)
- INSTALL (2) ION (LOCATED INSIDE EQUIPMENT CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - 03 COAXIAL CABLE
1 - 03 FIBER CABLE
1 - 03 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL AND 3/4" STEEL BANDS
DIMENSIONS - (H400D) (42"x24"x12")
WEIGHT - 110 LBS
- INSTALL COVER APPROVED LOCKABLE AND FUSED DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (H400D) (16.5"x8"x4")
WEIGHT - 5 LBS
- INSTALL COVER APPROVED AIR METER PAN
DIMENSIONS - (H400D) (19"x13"x4 7/8")
WEIGHT - 35 LBS
- 1 - 03 COAXIAL CABLE
1 - 03 FIBER CABLE
1 - 03 STRANDED COPPER MINIMUM WITH SD MOLDING
- INSTALL (1) GROUND ROD, 5/8" X 6' LONG MINIMUM AND COPPER CLAS. 8' FROM EXISTING GROUND ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD EXISTS.
- INSTALL (1) GROUND WIRE, 03 STRANDED COPPER MINIMUM WITH SD MOLDING, 1/2" ID X 6' LG., STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE GROUND (IF PRESENT).

DESIGNER:

hbK
ENGINEERING

HBK ENGINEERING, LLC
22 WEST VAN RUYEN, SUITE 100
RYE, NEW YORK 10586
PHONE: (914) 341-1100
FAX: (914) 341-1101
STATE OF NEW YORK REGISTRATION
OFFICE: INDUSTRIAL BUILDING
LIC. ENG. NO. 184041418

CONSOLE DEVELOPER:

CC CROWN
CASTLE

MODEL LOCATION:

200 Old Post Rd
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-08-16	002 00 REVIEW	EJD
01	01-11-17	PER INTERNAL REVIEW	CLM
02	02-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY:	CHECKED BY:	APPROVED BY:
EJD	MFF	MEC

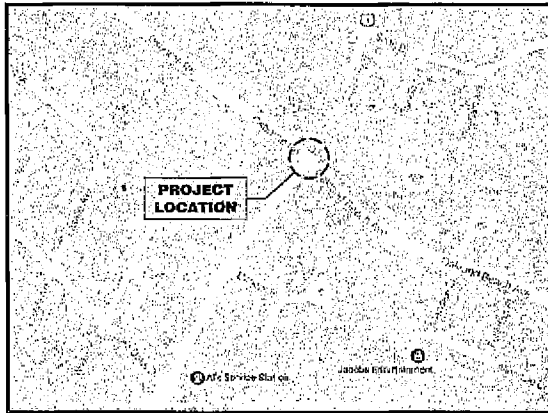
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FILE NAME	ODAS_WEST_N229
CHANGED NUMBER	RYE_2_004_B
DATE CHOWN	12-08-16

SHEET:

3 OF 3

Crown Castle NG East LLC
JDE # 536087NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-962-7962)Crown Castle NG East LLC
Rye, New York
Jurisdiction: City of Rye

Proposed Distributed Antenna System (DAS) Node Installation

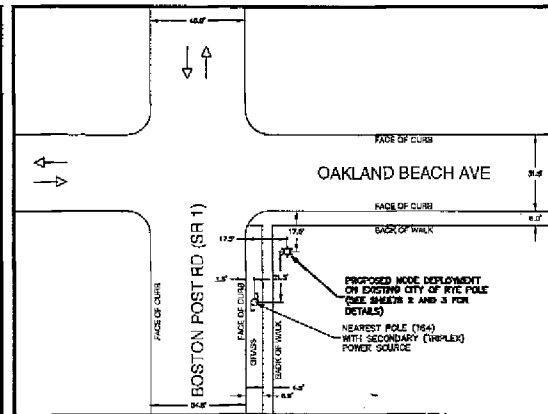


NOT TO SCALE

LOCATION MAP

Latitude: 40.78692°N
Longitude: -73.46941°W

LOCATION PHOTO



NOT TO SCALE

NODE PLACEMENT

10 Oakland Beach Ave
Existing City of Rye pole to remain
SE corner of Boston Post Rd and Oakland Beach Ave
Pole ID: N/A

INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:
ODAS_WEST_N251

PROJECT DETAIL: SEE SHEETS 2 AND 3

GENERAL NOTES:

1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE CITY AND ALL APPLICABLE CODES, ORDINANCES, BUT NOT LIMITED TO, FACILITY OWNERS, UTILITY COMPANIES, LOCAL, STATE AND FEDERAL AGENCIES, THE NATIONAL ELECTRICAL SAFETY CODE, THE NATIONAL FIRE PROTECTION AND THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.

NOTE: FINAL DESIGN PENDING
STRUCTURAL REVIEW. CITY OF
RYE TO PROVIDE AS-BUILT
INFORMATION FOR METAL
TRAFFIC POLE INSTALLATION.

ENGINEER:

hbk
ENGINEERING

 JHBK ENGINEERING, LLC
421 WEST VAN BUREN, SUITE 100
CHICAGO, IL 60607
PHONE: 630-244-0000 FAX: 630-244-0001
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSE NO. 00000000

OWNER/ENGINEER:

NODE LOCATION:

10 Oakland Beach Ave
Rye, New York
Jurisdiction: City of Rye

REVISIONS

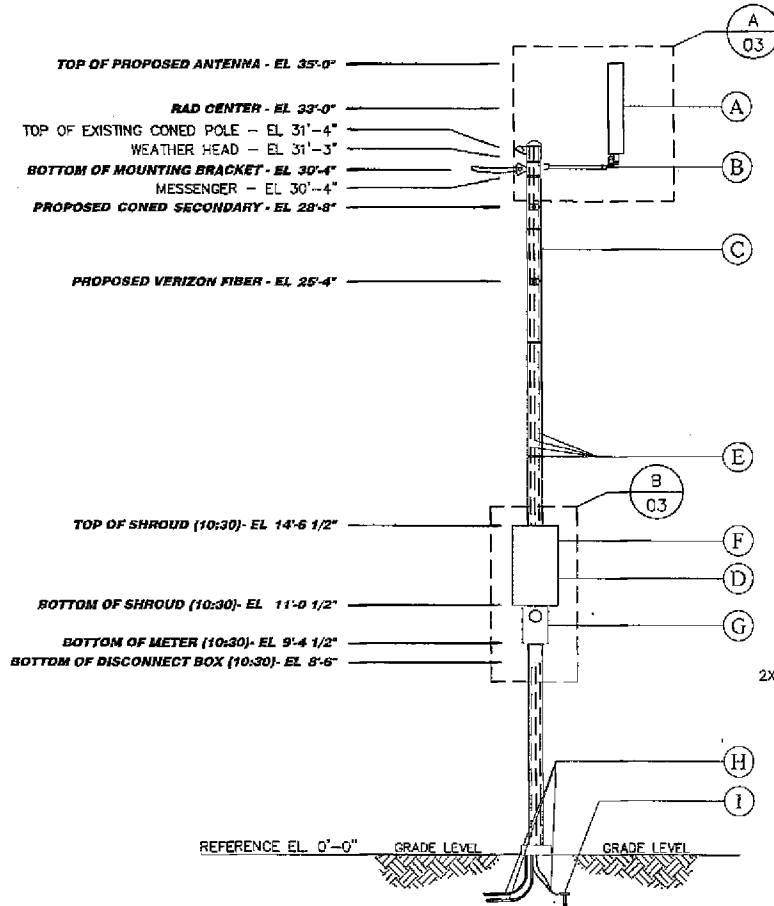
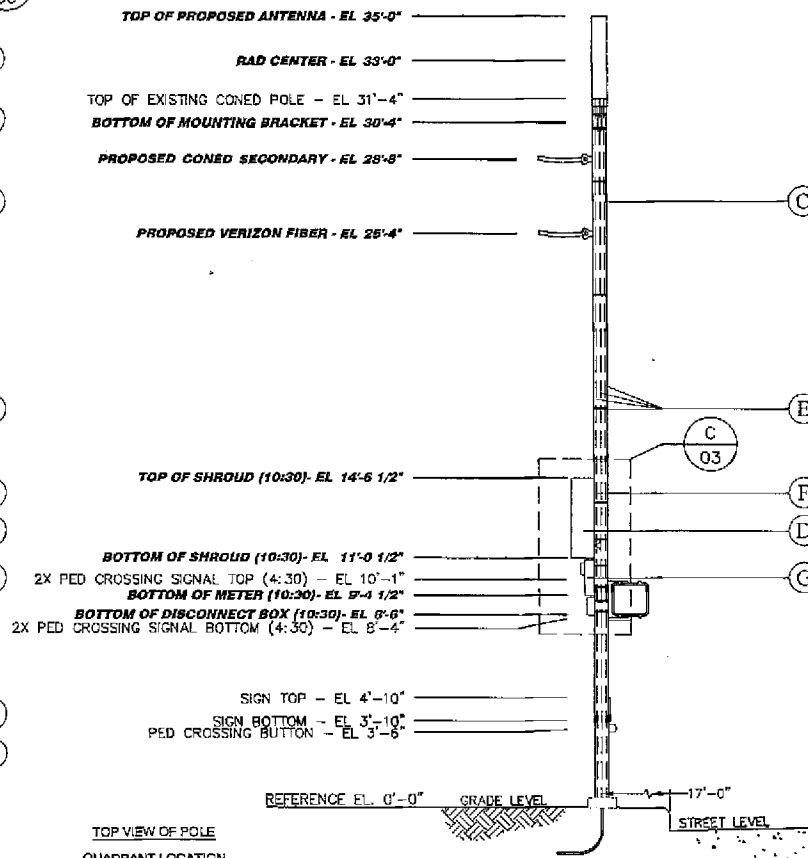
REV	DATE	DESCRIPTION	BY
01	12-05-16	FOR OR REVIEW	EJD
02	01-17-17	PER CLIENT COMMENTS	CLK

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N251
CLIENT NUMBER:	RYE_2_028_B
DATE DRAWN:	12-05-16

INCH:

1 OF 3

Crown Castle NG East LLC
PROPOSED POLE CONFIGURATIONNOTE: ANTENNA MOUNTING KIT USES
ESTIMATED TYPICAL DIMENSIONS;
ACTUAL PRODUCT MODEL AND
DIMENSIONS TO BE SPECIFIED BY
OTHERS.NOTE: FIBER AND POWER DESIGN BY
OTHERS. PROPOSED ELEVATIONS AND
LOCATIONS ARE ASSUMED.PROPOSED POLE DETAIL
LOOKING NORTHPROPOSED POLE DETAIL
LOOKING WESTCUSTOMER NO. 01
ODAS WEST N251

- A** INSTALL NEW ANTENNA
DIMENSIONS - (10x24) (48"x24")
WEIGHT - 20 LBS
- B** INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 33 LBS
- C** EXISTING CITY LIGHT POLE TO REMAIN.
EXISTING HEIGHT 31'-4" - (CON. = 31" (AT GRADE))
- D** INSTALL (2) ION (LOCATED INSIDE EQUIPMENT
CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - CO AXIAL CABLE
1 - VERIZON FIBER CABLE
1 - #6 STRANDED COPPER MINIMUM
- E** INSTALL NEW EQUIPMENT CABINET WITH CHANNEL
AND 3/4" STEEL BANDS
DIMENSIONS - (10x24) (48"x24"x12")
WEIGHT - 110 LBS
- F** INSTALL CONED APPROVED LOCKABLE AND FUSED
DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (10x24) (48"x24"x12")
WEIGHT - 15 LBS
- G** INSTALL CONED APPROVED AIR METER PAN
DIMENSIONS - (10x24) (18"x24"x7/8")
WEIGHT - 35 LBS
- H** 1 - VERIZON FIBER CABLE
1 - #6/C POWER CABLE
1 - #6 STRANDED COPPER MINIMUM WITH SD
MOLDING
- I** INSTALL (1) GROUND ROD, 5/8" X 6' LONG MINIMUM
AND COPPER CLAD, 8' FROM EXISTING GROUND
ROD. INSTALL (2) GROUND RODS IF NO GROUND
ROD EXISTS.
- J** INSTALL (1) GROUND WIRE, #6 STRANDED COPPER
MINIMUM WITH SD MOLDING, 1/2" X 8' LG.
STAPLE 1/2" X 2", GALV. BOND TO EXISTING POLE
GROUND (IF PRESENT).

ENGINEER: **hbk ENGINEERING, LLC**
10 WEST VAN BUREN STREET
CHICAGO, IL 60607
FOUNDER: DEBRA H. HARRIS, P.E.
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSED PROFESSIONAL ENGINEER

OWNER/DEVELOPER: **CROWN CASTLE**

PROJECT LOCATION:
10 Oakland Beach Ave
Rye, New York
Jurisdiction: City of Rye

REVISIONS		
REV	DATE	DESCRIPTION
01	12-05-15	FOR CD REVIEW
02	02-17-17	PER CLIENT COMMENTS

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

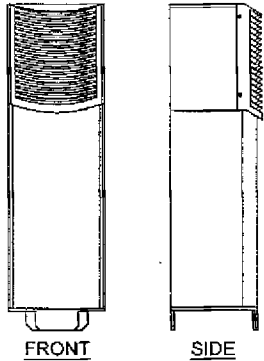
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FILE NAME	CDAS WEST N251
WORKBOOK NUMBER	RYE_2_020_B
DATE DRAWN	12-05-15

2 OF 3

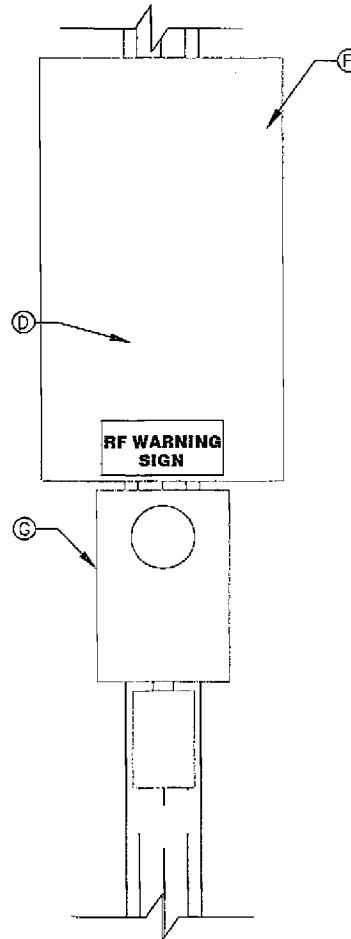
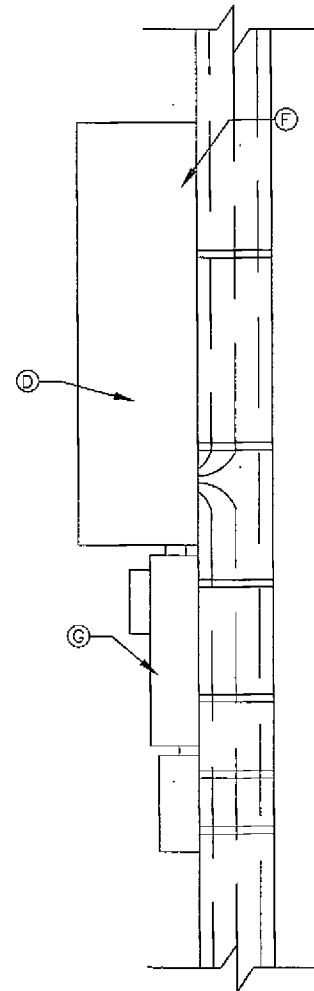
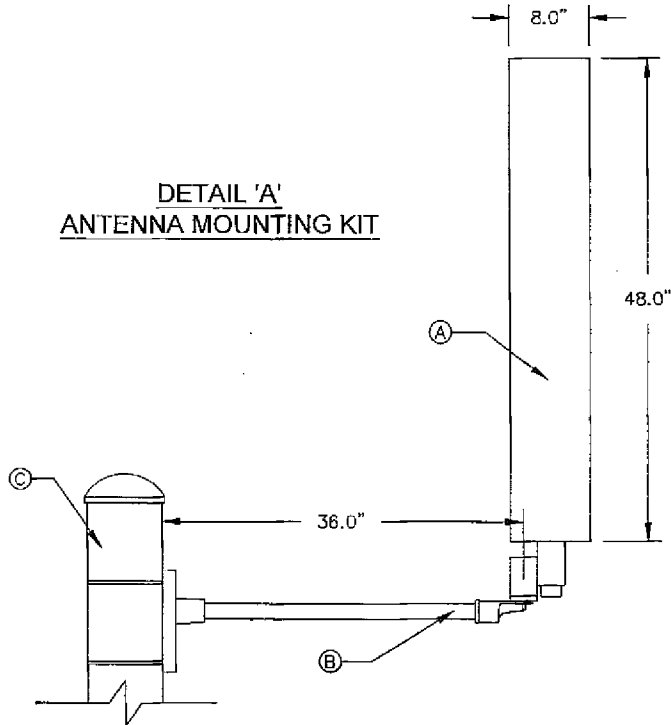
Crown Castle NG East LLC
PROPOSED EQUIPMENT DETAILS

CUSTOMER NODE ID:

ODAS_WEST_N251



ION

DETAIL 'A'
ANTENNA MOUNTING KITDETAIL 'B'
EQUIPMENT FRONT VIEWDETAIL 'C'
EQUIPMENT SIDE VIEW

- INSTALL NEW ANTENNA
DIMENSIONS - (1000A) (45"x30")
WEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT
WEIGHT - 33 LBS
- EXISTING CITY LIGHT POLE TO REMAIN.
EXISTING HEIGHT 30'-4" - OR= 51' (AT GRADE)
- INSTALL (2) ION (LOCATED INSIDE EQUIPMENT CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT
WITH STEEL BANDS
2 - CO COAXIAL CABLE
1 - VERIZON FIBER CABLE
1 - #6 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL
AND 2 1/2" STEEL BANDS
DIMENSIONS - (1000D) (42"x24"x12")
WEIGHT - 110 LBS
- INSTALL CONED APPROVED LOCKABLE AND FUSED
DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (1000D) (6.5"x3"x4")
WEIGHT - 15 LBS
- INSTALL CONED APPROVED AIR METER PAN
DIMENSIONS - (1000D) (6"x13"x4 7/8")
WEIGHT - 35 LBS
- 1 - VERIZON FIBER CABLE
1 - #6/C POWER CABLE
1 - #6 STRANDED COPPER MINIMUM WITH SD
WELDING
- INSTALL (1) GROUND ROD, 5/8" X 6' LONG MINIMUM
AND COPPER CLAD, 8' FROM EXISTING GROUND
ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD
EXISTS.
- INSTALL (1) GROUND WIRE, #6 STRANDED COPPER
MINIMUM WITH SD WELDING, 1/2" Ø X 8' LG.
STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE
GROUND (IF PRESENT).

ENGINEER:

hbk
ENGINEERING

 DBK ENGINEERING, LLC
101 WEST VAN DYKE, SUITE 100
CHICAGO, IL 60654
FOR THE DESIGNER: PARKED VEHICLE
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSED ENGINEER

OWNER/DEVELOPER:

CC CROWN
CASTLE

NODE LOCATION:

 10 Oakland Beach Ave
Rye, New York
Jurisdiction: City of Rye

REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-08-15	FOR CC REVIEW	BLD
01	01-17-17	PER CLIENT COMMENTS	CLM

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MEC

PROJECT NUMBER	15-1097
FILE NAME	ODAS_WEST_N251
CROWN ID NUMBER	RYE_2_028_B
DATE DRAWN	12-08-15

SHEET: 3 OF 3



NOTE: CONTRACTOR TO CONTACT
NEW YORK 811 BEFORE DIGGING.
(800-662-7962)

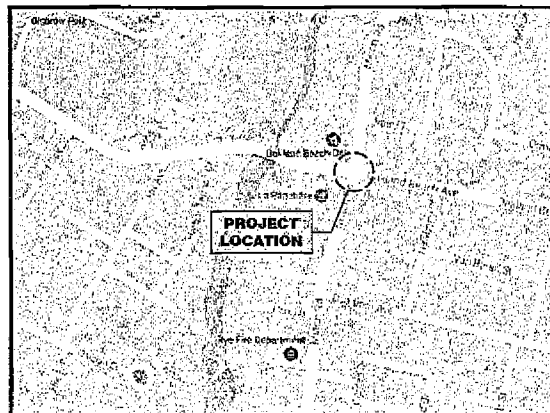


Crown Castle NG East LLC

Rye, New York

Jurisdiction:City of Rye

Proposed Distributed Antenna System (DAS) Node Installation

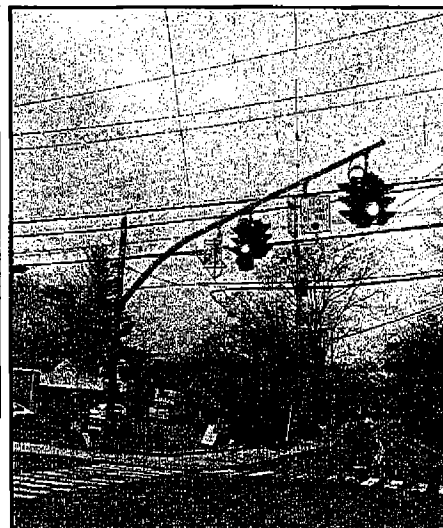


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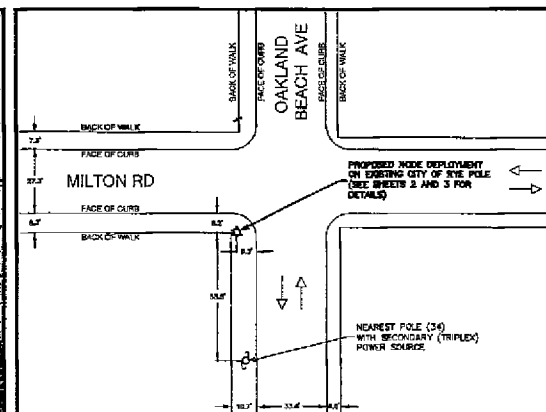
LOCATION MAP

Latitude: 40.79546°N

Longitude: -73.47285°W



LOCATION PHOTO



NOT TO SCALE

NODE PLACEMENT

520 Milton Rd

Existing City of Rye pole to remain
NW corner of Oakland Beach Ave and Milton Rd
Pole ID: N/A

Pole ID: N/A

CUSTOMER NODE ID:
ODAS WEST N262

PROJECT DETAIL: SEE SHEETS 2 AND 3

2. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH THE REQUIREMENTS OF ALL AGENCIES HAVING JURISDICTION OVER THE WORK AND ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO: FACILITY OWNER, UTILITY COMPANY, LOCAL MUNICIPALITIES, STATE AND FEDERAL AGENCIES, THE NATIONAL ELECTRICAL SAFETY CODE, THE NATIONAL ELECTRIC CODE AND THE NATIONAL FIRE PROTECTION ASSOCIATION.

INDEX TO SHEETS

1. TITLE, LOCATION MAP, NODE PLACEMENT
2. PROPOSED POLE CONFIGURATION
3. PROPOSED EQUIPMENT DETAILS

NOTE: FINAL DESIGN PENDING
STRUCTURAL REVIEW. CITY OF
RYE TO PROVIDE AS-BUILT
INFORMATION FOR METAL
TRAFFIC POLE INSTALLATION.


 A circular professional engineer seal for the State of Florida. The outer ring contains the text "FLORIDA" at the top and "REGISTERED PROFESSIONAL ENGINEER" at the bottom. The inner circle contains the text "EXPIRATION DATE 12/31/2014" and "NO. 12586". The seal is partially visible in the bottom right corner of the page.

hbk

HBK ENGINEERING, LLC
921 WEST VAN BUREN, SUITE 100
CHICAGO, IL 60607
PHONE: (312) 652-0076 FAX: (312) 434-4140
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
LICENSE NO. 066-002305

CONFIDENTIAL: OBT



NODE LOCATION:

620 Milton Rd
Rye, New York
Jurisdiction: City of Rye

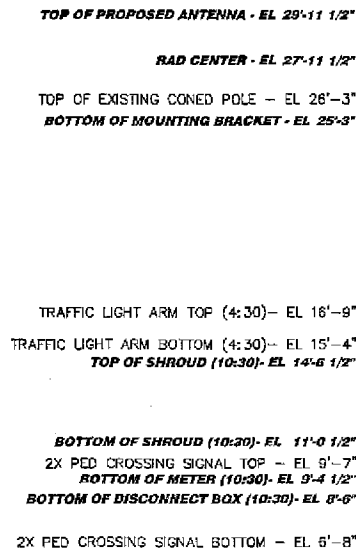
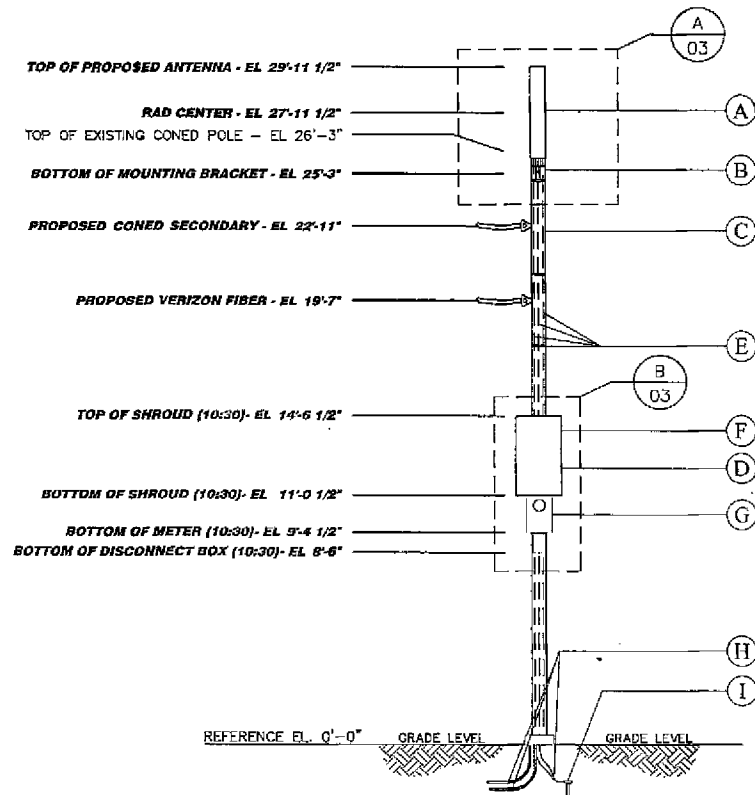
REVISIONS

REV	DATE	DESCRIPTION	BY
00	12-05-18	FOR QC REVIEW	EJD
01	02-19-17	PER CLIENT COMMENTS	GUM

DRAWN BY:	CHECKED BY:	APPROVED BY:
EJD	MFP	MEC

PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N262
ORIGIN ID NUMBER:	RYE_2_037_B
DATE DRAWN:	12-06-18

1 OF 3

Crown Castle NG East LLC
PROPOSED POLE CONFIGURATION

NOTE: FIBER AND POWER DESIGN BY OTHERS. PROPOSED ELEVATIONS AND LOCATIONS ARE ASSUMED.

NOTE: ANTENNA MOUNTING KIT USES ESTIMATED TYPICAL DIMENSIONS; ACTUAL PRODUCT MODEL AND DIMENSIONS TO BE SPECIFIED BY OTHERS.

CUSTOMER NO. 0315
ODAS_WEST_N262

- INSTALL NEW ANTENNA
DIMENSIONS - (1001A) (48"x6")
HEIGHT - 20 LBS
- INSTALL NEW ANTENNA MOUNTING KIT
HEIGHT - 33 LBS
- EXISTING CITY LIGHT POLE TO REMAIN.
EXISTING HEIGHT 26'-3" - CIR. # 75" (AT GRADE)
- INSTALL (2) ION (LOCATED INSIDE EQUIPMENT CABINET)
- INSTALL CONDUIT OUTSIDE OF POLE SHAFT WITH STEEL BANDS
2 - 60/2 POWER CABLE
1 - VERIZON FIBER CABLE
1 - #6 STRANDED COPPER MINIMUM
- INSTALL NEW EQUIPMENT CABINET WITH CHANNEL AND 3/4" STEEL BANDS
DIMENSIONS - (HAWKO) (42"x24"x12")
HEIGHT - 110 LBS
- INSTALL GROUND APPROVED LOCKABLE AND FUSED DISCONNECT SWITCH WITH INDICATOR LIGHT
DIMENSIONS - (100W0) (9.5"x8"x4")
HEIGHT - 13 LBS
- INSTALL CONED APPROVED AMR METER PAN
DIMENSIONS - (HAWKO) (18"x24"x4 7/8")
HEIGHT - 35 LBS
- 1 - VERIZON FIBER CABLE
1 - #6/2 POWER CABLE
1 - #6 STRANDED COPPER MINIMUM WITH SD MOLDING
- INSTALL (1) GROUND ROD, 5/8" X 8' LONG MINIMUM AND COPPER CLAD, 8' FROM EXISTING GROUND ROD. INSTALL (2) GROUND RODS IF NO GROUND ROD EXISTS.
- INSTALL (1) GROUND WIRE, #6 STRANDED COPPER MINIMUM WITH SD MOLDING, 1/2" ID X 8' LG., STAPLE, 1/2" X 2", GALV. BOND TO EXISTING POLE GROUND (IF PRESENT).

ENGINEER

hbk
ENGINEERING

HBK ENGINEERING, LLC
201 WEST VAN METER, SUITE 200
CHICAGO, IL 60604
PHONE: (773) 440-0000
STATE OF ILLINOIS DEPARTMENT
OF PROFESSIONAL REGULATION
EXPIRATION: 12/31/2018

OWNER/DEVELOPER

CC CROWN
CASTLE

NODE LOCATION:

520 Milton Rd
Rye, New York
Jurisdiction: City of Rye

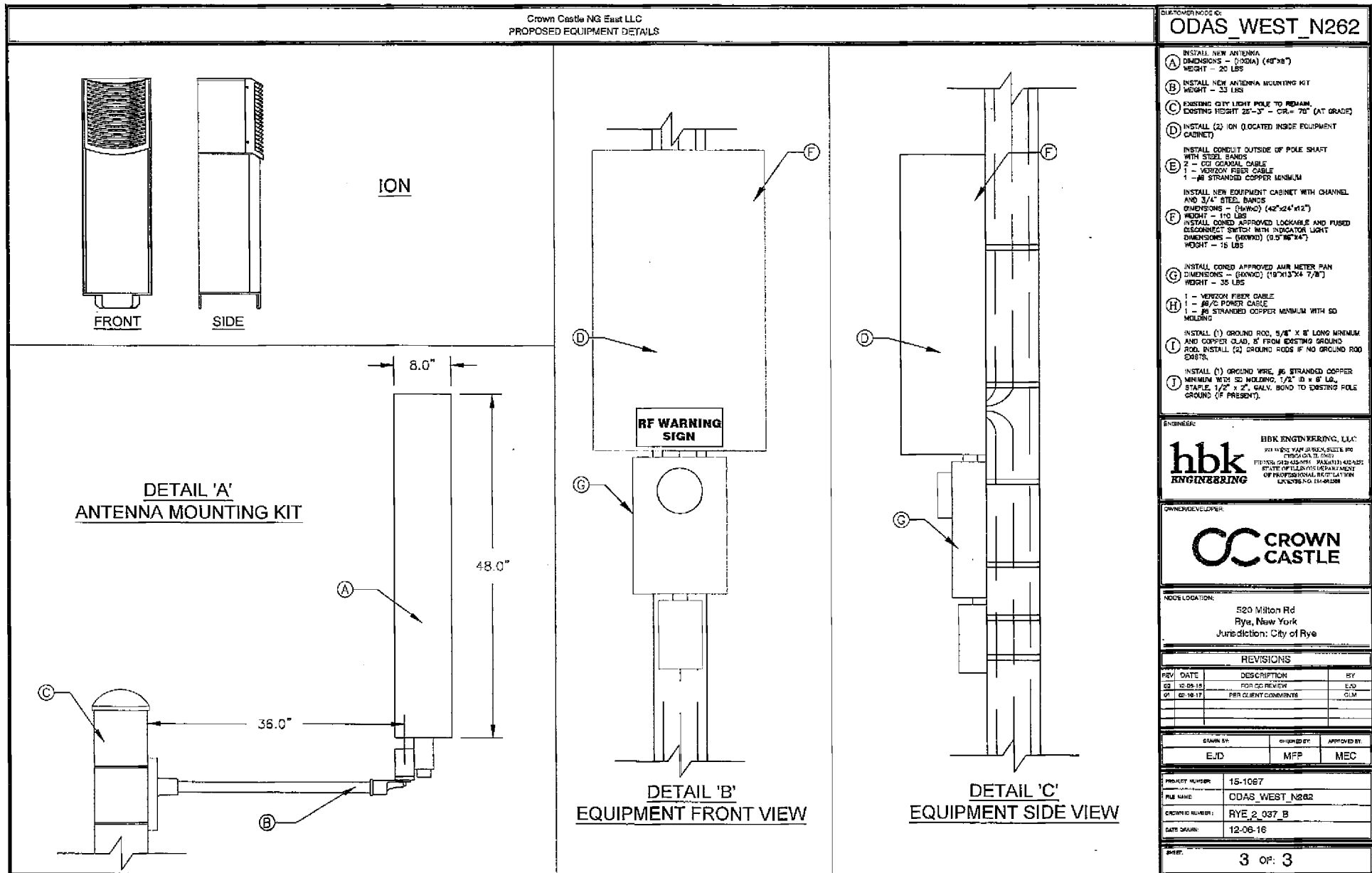
REVISIONS

REV	DATE	DESCRIPTION	BY
02	12-06-15	FOR DO REVIEW	EJD
01	06-16-17	PER CLIENT COMMENTS	CLM

DRAWN BY	CHECKED BY	APPROVED BY
EJD	MFP	MFC

PROJECT NUMBER:	15-1097
FILE NAME:	ODAS_WEST_N262
DRAWING NUMBER:	RYE 2_037_B
DATE DRAWN:	12-06-16

SHEET
2 OF 3





4 Centerock Road
West Nyack, NY 10994

February 21, 2017

Hon. Mayor Sack and
City Council
City of Rye
1051 Boston Post Road
Rye, NY 10580

RE: Crown's Expansion of its DAS System in City of Rye

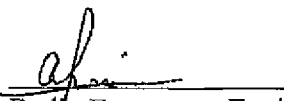
Dear Hon. Mayor Sack and Member of the City Council:

I am a Radio Frequency engineer employed by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"). As a Radio Frequency engineer, I am trained to identify Verizon Wireless' network needs. I am familiar with Verizon Wireless' sites in the City of Rye and within a mile thereof. We have been working with Crown Castle NG East LLC ("Crown") in connection with the proposed expansion of Crown's existing distributed antennas system ("DAS") in the City of Rye ("City") to enhance Verizon Wireless' wireless service to the City through the expansion of the DAS.

In connection therewith, Verizon Wireless' engineers have worked with Mr. Sharpe, Crown Castle's Senior Radio Frequency Engineer, in connection with the DAS design for Verizon Wireless needs. I have reviewed Mr. Sharpe's report, dated December 1, 2016, which was supplied to the City ("Crown Report") with respect to the gaps in coverage identified, and Verizon Wireless concurs with the Crown Report's conclusion that "The 64 nodes proposed in the City of Rye are needed to remedy these gaps in coverage and provide reliable services in the community." Verizon Wireless has determined that by deploying its AWS (2100 MHz) and PCS (1900 MHz) frequencies on the 64 nodes proposed, Verizon Wireless will be able to effectively enhance its wireless service to the City residents, businesses, and emergency responders relying on its service.

For all of the foregoing reasons, Verizon Wireless urges the City Council to approve the nodes forthwith.

Respectfully submitted,


Radio Frequency Engineer - Verizon Wireless
Al Aljibori

DS1Z03F36D-M (1710-2180 MHz)
Dual High-Band Omnidirectional Antenna

dbSpectra

ELECTRICAL SPECIFICATIONS x 2

Frequency Band	1710-2180 MHz
Gain, typical	3.2 dBi
Polarization	Vertical
Nominal Impedance	50 Ω
VSWR	1.7:1
Horizontal Beamwidth, -3 dB	360°
Vertical Beamwidth, -3 dB typ.	40°
Electrical Downtilt	0°
Isolation Between Inputs, typ.	30 dB
IM3, 2x Tx @ 43 dBm, typical	< -150 dBc
Power Handling, average total	200 W

MECHANICAL SPECIFICATIONS

Connector	2 x 4.3 - 10
Connector Position	Bottom
Dimensions, H x Dia	24 in x 2 in. nom.
Weight, including bracket	TBD lb.
Rated Wind Velocity	150 mph
Operating Temperature	-40° F to 105° F
Radome Material / Color	Fiberglass/Specified by Customer

PRELIMINARY

Equipment Cabinet Size	Equipment Cabinet Design	4G LTE Equipment Cabinet Capability	Crown Castle & City RUA	Verizon Requirements	Con Ed Requirements	OEM Offerings	Other Utility Pole Attachments - Comparisons
35.039" Height 15.5118" Width 8.97" Depth Volume: 2.82 cu ft	Fiberglass, seamless hinges, brown color	Two ION Units	Permitted Exhibit A	Minimum Size - Two ION Units for 1900 and 2100 MHz frequencies (MIMO) at all oDAS node locations	Permitted	Available	Single Phase Overhead Distribution Transformers: 34" to 66" in Height 17" to 45" in Width 20" to 41" in Diameter Cable Company Backup Battery Cabinets: 23.5" to 35" in Height 24.5" to 30.25" in Width 14" to 16" in Depth
41.99" Height 23.86" Width 12.00" Depth Volume: 6.95 cu ft	Fiberglass, seamless hinges, brown color	Three ION Units	Proposed RUA Amendment	Meets minimum Verizon requirements and provides for shared use in the future for at least 1 ION unit by another wireless carrier	Permitted Note: Maximum allowable cabinet size dimensions per pole are: (42"H x 24"W x 12" D)	Available	
44.75" Height 8" Width 8.31" Depth Volume: 1.80 cu ft	Metal, brown color	One ION Unit	Not Included in RUA Exhibit A	Does not meet Verizon's Minimum Requirements	Not Permitted - exceeds permitted height and is steel	Available	

Exhibit 7

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on April 19, 2017, at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

TERRENCE McCARTNEY
Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:55 P.M. The regular meeting convened at 7:59 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

11. Authorization for the City Manager to enter into an agreement with BFJ Planning for the completion of a comprehensive update of the City of Rye Master Plan.
Roll Call.

This item was taken out of order. Nick Everett, Chair of the Master Plan Committee, was present at the meeting. Mr. Everett explained that there had been a thorough process to hire a consultant through a request for proposal on the Master Plan. The RFP was sent out nationally, with proposals due February 3, 2017. Three companies were interviewed, and the Committee felt strongly that BFJ Planning was the most appropriate candidate. They are familiar with the City of Rye, having done the central business district study among other items. The firm has done comprehensive plans for Rye Brook, Mamaroneck, Port Chester, Harrison and others. Mr. Everett stated the Committee's formal recommendation was for the City to retain BFJ Planning.

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Councilwoman Killian made a motion, seconded by Councilman Mecca, to authorize the City Manager to enter into an agreement with BFJ Planning for the completion of a comprehensive update of the City of Rye Master Plan.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

3. **General Announcements.**

Mayor Sack thanked Assistant City Manager Eleanor Militana for her work as Acting City Manager while City Manager Serrano was out.

Councilwoman Killian announced that the Second Annual Rye ACT Town Hall event was scheduled for 7:00 P.M. on May 9, 2017 at Rye High School. The event will feature a presentation on survey results on drugs and alcohol for grades 7-12. There will also be a talk by Dr. Dupont and breakout groups. Councilwoman Killian also announced that the Sustainability Committee has created a Rye Sustainability Committee leadership award. The following individuals have been nominated for the award: Scott Nelson, Rye Country Day School Headmaster, for his consistent and generous support for the green screen films, Christine Siller and Taro Ietaka of the Rye Nature Center, Jim Boylan, Rye Middle School Principal, for implementing a compost program, and Marc Dellicolli, Rye resident and assistant to the Chief Information Officer for the Westchester Department of Information Technology.

Councilman Mecca announced that the Rye Fire Department will be having a volunteer event on Sunday, April 23, 2017 between 10:00 A.M. and 2:00 P.M. at the Locust Avenue Firehouse.

Councilwoman Tagger-Epstein stated that the Jay Heritage Center would be holding its free daffodil event on April 20, 2017 from 1:00-4:00 P.M., followed by a fundraising event, sponsored by Wine at 5. Councilwoman Tagger-Epstein also announced that the Rye Sustainability Committee and CCAC planted its first tree on Purchase Street from the tree fund prior to the City Council meeting on April 19, 2017. She also encouraged citizens to support the Healthy Yard initiative by displaying the Healthy Yard lawn sign, designed by Liv McNamara.

12. **Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.**
Roll Call.

This item was taken out of order. Sarah Goddard, Sustainability Committee Chair, stated that the first tree from the Tree Fund was planted on Purchase Street. The funding

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collected would need to be transferred to the DPW budget to maintain the plantings going forward. Ms. Goddard thanked the Girl Scouts who were also present at the tree planting, who helped with fundraising under the direction of Andrea Alban-Davies.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Killian, to adopt the following resolution:

WHEREAS, the Branching out for Rye Campaign raised funds to purchase and plant trees for the City of Rye; and

WHEREAS, due to the generosity of campaign donors, an amount of \$3,750.00 was raised during the campaign; and

WHEREAS, the donations must be transferred into the project account as preparations are made to have the trees purchased and planted; be it therefore

RESOLVED, that the City Comptroller is authorized to transfer the amount of \$3,750.00 from the General Fund account to the General Fund Account "Shade Tree Project" for the purchase of trees using funds donated.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

4. Consideration of the election of the Chiefs of the Rye Fire Department.

This item was tabled until the May 3, 2017 meeting.

5. Approval of the election of one new member to the Rye Fire Department.

Councilman Mecca made a motion, seconded by Mayor Sack and unanimously carried, to approve the election of Kevin Ramsey to the Milton Point Engine and Hose Company.

10. Residents may be heard on matters for Council consideration that do not appear on the agenda.

Gerry Seitz, 141 Kirby Lane, made a statement to the Council. He referenced the resolution on immigration status which will be on the agenda for the May 3, 2017 meeting and felt that the resolution as written would be problematic for the City of Rye Police Department. He also expressed concern over the increase in taxes and asked the Council to

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consider alternatives to control the increase going forward, such as an increase in sales tax and revenue increases.

13. Resolution to authorize expenditure of Police donations reserved for Police Programs for the purchase of items for the Adopt-a-School Program.

Roll Call.

This item was taken out of order. Acting City Manager Militana highlighted the following points:

- The Rotary Club donated \$1,500 to the Rye Police Department for their continuing efforts in the Police Department's Adopt-a-School Program (City Council approved at 12/21/16 Council Meeting)
- Eight designated police officers who volunteered to participate in this program educating students about many topics such as: Bullying, Dangers of Texting and Driving, Dangers of Drinking and Driving,
- Dangers of Drugs, How to deal with Peer Pressure, bike safety
- These funds will be used to purchase items to be used with the students

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Bucci, to adopt the following resolution:

WHEREAS, the City Manager and the Public Safety Commissioner have approved a request of the Rye Police Department to purchase items to be used in the Adopt-a-School Program in the amount of \$294.54 with funds available in the police donations account, and;

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the Rye Police Department; now therefore be it;

RESOLVED, that \$294.54 be appropriated from the police donations account to increase 2017 General Fund Donations Reserved for Police programs.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

14. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2020.

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This item was taken out of order. Acting City Manager Militana stated the following points:

- The EMS Committee is made up of members from City of Rye, Village of Rye Brook and Village of Port Chester
- Meetings are attended by representatives of the three communities including the City Manager and the City Council Liaison Councilwoman Tagger-Epstein
- Bart DiNardo is a long term volunteer and member and is willing to continue his service

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to appoint Mr. Bart DiNardo City of Rye Community Representative, to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2020.

15. Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department:

- General Order #102.8 regarding the operational guidelines of the Bicycle Patrol Unit
- General Order #103.7 regarding the carry and use of Oleoresin Capsicum (O.C.) Spray
- General Order #103.10 regarding the training, deployment, use and aftercare of Conducted Electrical Weapons
- General Order #115.3 regarding the procedures for the training of new police officers during post-academy training
- General Order #116.2 regarding promotions and appointments
- General Order #118.2 regarding a new performance tracking software program entitled Guardian Tracking
- General Order #118.10 establishing uniform guidelines on Training and Records
- General Order #120.10 establishing administrative and operational procedures to regulate the collection, reporting, processing and dissemination of intelligence information.

This item was taken out of order. Acting City Manager Militana explained that Public Safety Commissioner Corcoran has made it a priority to strengthen department measures by clarifying the language of various general orders.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca and unanimously carried by the Council, to approve the proposed changes to the following General Orders:

- General Order #102.8 regarding the operational guidelines of the Bicycle Patrol Unit

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- General Order #103.7 regarding the carry and use of Oleoresin Capsicum (O.C.) Spray
- General Order #103.10 regarding the training, deployment, use and aftercare of Conducted Electrical Weapons
- General Order #115.3 regarding the procedures for the training of new police officers during post-academy training
- General Order #116.2 regarding promotions and appointments
- General Order #118.2 regarding a new performance tracking software program entitled Guardian Tracking
- General Order #118.10 establishing uniform guidelines on Training and Records
- General Order #120.10 establishing administrative and operational procedures to regulate the collection, reporting, processing and dissemination of intelligence information.

6. Issues Update/Old Business.

Corporation Counsel Wilson updated the Council on the Starwood project and the Village of Port Chester. She stated she was happy to report that there are two separate pending agreements that should have been made, which would hopefully strengthen the City's position with the proposed development. With respect to the agreement between Starwood and the City of Rye, there are two major components: first, a three-tiered payment for traffic mitigation/ calming measures, and second, that in the case that an Article 78 is filed, the payments would not be received. She further explained that the second proposed agreement, between the City of Rye and the Village of Port Chester, focuses more on the dedicated turn lanes at Boston Post Road. The agreements contemplate the measures at which the driveway improvements would be added back into the project.

Mayor Sack thanked Corporation Counsel Wilson. He stated that the Council's focus has always been traffic mitigation for the adjacent Rye Park neighborhood. He thanked Councilman McCartney and Councilwoman Hurd for their work on this issue with the Litigation Committee. With these pending agreements, an Article 78 could be avoided. Councilwoman Hurd added that with the removal of the proposed turn lanes, these agreements would be very helpful.

Councilwoman Killian confirmed that the agreements would survive any subsequent owners of the property.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to authorize the city manager to enter into these two agreements and adopt the following resolution:

RESOLVED, that the City Manager is herein authorized to enter into an agreement with PC 406 BPR, LLC and PC 999 High Street regarding the proposed development at the former United Hospital site; and now therefore be it

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RESOLVED, that the City Manager is authorized to enter into an agreement with the Village of Port Chester regarding the proposed development at the former United Hospital site.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

Mayor Sack then made a motion, seconded by Councilman Mecca, to adjourn into Executive Session to discuss pending litigation matters with the City's attorney at 8:30 P.M. The Council adjourned Executive Session at 8:45 and re-entered the public meeting.

Mayor Sack stated that the Council must make a decision with respect to litigation with Playland, as an appeal filing would be due on Monday, April 24, 2017. He said that the Council was not ready to make a decision at the meeting, but anticipated that a vote on a course of action may occur at the next scheduled meeting on April 22, 2017.

7. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn this matter to May 17, 2017.

8. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Marie Johnston, 556 Milton Road, addressed the Council. She stated that this is not the time to open the right of ways for current DAS nodes, as electronics equipment will be evolving.

Matt Fahey, 36 Franklin Avenue, addressed the Council. He thanked the Council for their commitment to the issue. He stated the Crown proposal should be denied. He felt that Crown had not undergone the appropriate application process, nor had provided alternatives. He mentioned that many residents had spoken against the project.

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Chris Fisher, Cuddy & Feder, on behalf of Crown Castle, thanked the Mayor and Council for their consideration over the past year. He stated that one item of data and request, the 700 mHz data, was made available to the City. He said that the application had four tolling extensions and Crown had asked for any updated engineering reports throughout that process. He stated that any new information/report that was procured, specifically referring to a report by Engineer Ron Graiff, may go against the tolling agreement. He also stated that Crown had not been given Mr. Afflerbach's recent report. He discussed "Plan C" that was provided to the Council, population density, and nodes. Mr. Fisher stated he had provided correspondence to the City prior to the meeting, summarizing the questions presented and alternatives. He stated that Crown provided comments about competitors and their equipment allowed within the right of way in the City of Rye. He stated that there was a site visit to the Rye Golf Club by Crown and comments on that site were provided to the City. He stated that Crown believed it was appropriate for the Council to issue a negative declaration under SEQRA.

Mayor Sack thanked Mr. Fisher for his comments.

Joe Van Eaton, Best Best & Krieger on behalf of the City, stated that there were several issues before the Council. Firstly, there was a pending SEQRA determination. Second, there was a question on approving or denying the actual application and what has been presented so far. He clarified that the City's understanding of the tolling agreement would be to submit any reports that existed on April 12, 2017 had the City had them on that date. Unfortunately, the 700 mHz data was only received by Crown Castle on April 10, 2017. He clarified that Mr. Graiff, who submitted a second opinion report to the City, was hired by Best Best & Krieger, on the code amendment issues. Mr. Van Eaton acknowledged that there was information received by Crown prior to the meeting. He clarified a technical misunderstanding between Mr. Afflerbach and Crown Castle concerning the 700 mHz data; Mr. Afflerbach stated to Mr. Van Eaton that the 700 mHz data was vital. The City's consultants stated that all information that was requested was relevant to a determination. He said that the right-of-way use agreement does allow the City to reasonably review the plan and should not have more facilities than necessary to preserve the right-of-way. Mr. Van Eaton then said that the fact that a permit is signed for a structure in the right-of-way does not necessarily translate to full compliance with zoning. He stated that Chapter 196 applied to the application.

Mr. Fisher, Cuddy & Feder, responded to Mr. Van Eaton's comments. He stated surprise that the City's position was that Chapter 196 applies in this instance. He asked when Mr. Graiff was retained.

Mayor Sack asked if there was any comment on the report from Mr. Graiff now that Crown and its representatives had reviewed the report.

Mr. Van Eaton responded that Mr. Graiff had been retained on April 7, 2017.

Mr. Fisher stated that the reason that they believe it was a breach of the tolling extension because of Crown was owed more administrative due process.

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Mayor Sack asked what the prejudice was with respect to the tolling agreement. Mr. Fisher responded that the City had retained Mr. Afflerbach in August 2016 and he had asked that any report be given to Crown Castle.

Esme Lombard, Crown Castle, stated that on a conference call on October 25, 2016, Mr. Afflerbach stated he did not need the 700 mHz data. Mayor Sack responded that on the contrary, the City Council asked for that data many times.

Mayor Sack stated that to avoid any prejudice claimed by Crown Castle, he and the Council would give Crown more time to respond, should they want it.

Mr. Fisher stated the applicant did not want more time.

Mr. Van Eaton responded that there had been a misunderstanding and that Mr. Afflerbach always wanted to see the 700 mHz data. He said he was troubled by the idea that there was a claim of prejudice, yet Crown stated it did not need more time to respond. Mr. Van Eaton stated that his recommendation would be that if Crown was claiming prejudice, an extension should be given.

Mr. Van Eaton asked if Crown was claiming prejudice.

Mayor Sack made a motion, seconded by Councilman Mecca, to adjourn into executive session to discussion attorney client privileged matters.

Mr. Van Eaton stated that the City does not agree that there was a violation of the tolling agreement. The tolling agreement by law gives a date that the shot clock applies. Nonetheless, out of a great deal of respect for Crown Castle, the City has offered to extend the time.

Mayor Sack announced that after one year of deliberation, at 10:03 PM on April 19, 2017, the public hearing on Crown Castle's application would end.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to close the public hearing.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, and Tagger-Epstein

NAYS: None

ABSENT: Councilman McCartney

Corporation Counsel Wilson stated that the City had previously declared itself lead agency with respect to SEQRA. She read the following proposed Part II of the Environmental Assessment Form:

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1. Impact on Land – NO
2. Impact on Geological Features – NO
3. Impacts on Surface Water – NO
4. Impact on Ground Water – NO
5. Impact on flooding – NO
6. Impacts on Air – NO
7. Impact on Plants and Animals – NO
8. Impact on Agricultural Resources – NO
9. Impact on Aesthetic Resources – YES
10. Impact on Historic and Archeological Resources – YES
11. Impact on Open Space and Recreation – NO
12. Impact on Critical Environmental Areas – NO
13. Impact on Transportation – NO
14. Impact on Energy – YES
15. Impact on Noise, Odor and Light – YES
16. Impact on Human Health – NO
17. Consistency with Community Plans – NO
18. Consistency with Community Character – YES

Corporation Counsel Wilson stated that because there were some areas marked “YES” on Part II of the EAF, the City must move onto Part III. She stated that Part III was marked as an Unlisted action and read the following:

“Crown Castle's proposal to add approximately 65 additional dual antennae system ("DAS"), including the 2 and/or 3 ion box, accessory meters, and pole top/communication zone antennae, within the City's publicly owned right-of-way may have significant adverse environmental impacts as they relate to aesthetic resources, historic resources, noise and the existing community character. The visual and aesthetic impact of placing ion boxes that could be 7 cubic feet in size approximately 8 feet off the ground are highly visible to the average person. In addition, the significant increase in the number of proposed DAS throughout the entire City, along residential streets directly in front of residential structures, near parks and schools, and the City's locally designated historic districts and near landmarked structures may alter the City of Rye's existing residential landscape. Currently, there are no other structures at approximately 8 feet above street level and located every 500 feet in the City's right-of-way. In addition, all of the ion boxes (single, dual or triple ions) may not meet the City's existing noise ordinance when measured at the appropriate distance.”

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to adopt the following resolution:

RESOLUTION
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE MAKING A
POSITIVE DETERMINATION OF SIGNIFICANCE UNDER THE STATE

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**ENVIRONMENTAL QUALITY REVIEW ACT RELATING TO CROWN CASTLE'S
REQUEST TO MODIFY THE EXISTING RIGHT OF WAY USE AGREEMENT**

Project: Modification of the Existing Right of Way Use Agreement Between the City of Rye and Crown Castle.

Lead Agency: City Council of the City of Rye, 1051 Boston Post Road, Rye, New York 10580

Date: April 19, 2017

Type Of Action: Unlisted

Description Of Proposal: Deployment of additional 64 dual antennae system nodes, with the accessory equipment boxes, meters and antennae throughout the City of Rye in its public right of way.

Reasons Supporting This Determination:

Based upon a review of the applicant's submitted Full Environmental Assessment Form and all other application materials that were prepared for this action, the Lead Agency has determined that the proposed action may have the following significant adverse impacts:

1. The potential for significant aesthetic/design/visual resource impacts and neighborhood character impacts.
2. The potential for significant impacts related to noise associated with the two and three ion boxes.
3. The potential for significant impacts to the community character and locally designated historic districts and landmarks.

Scoping Information:

Scoping of the issues to be contained in the EIS will be conducted by the Lead Agency. Once a draft scoping document is prepared, a public scoping session will be noticed and held.

Contact Person:

Kristen Wilson, Corporation Counsel
City of Rye
1051 Boston Post Road
Rye, New York 10580
kwilson@ryeny.gov

Prior to the vote, Mayor Sack asked what the impact would be if the Council were to taken a vote on this proposed positive declaration. Corporation Counsel Wilson responded that it sets the stage for continuing on with the environmental review process. She stated that

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depending on how the parties would want to proceed, either party would take on the task of putting together the environmental impact statement.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

9. Consideration of a resolution in connection with the request submitted by Crown Castle to amend the Right of Way Use Agreement and the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Mayor Sack stated that the Council had a recommendation by staff and a draft resolution. The Council has taken action on the SEQRA issues, but the resolution language concerning the application should be certain prior to being adopted by the Council. A vote will be taken at that time. Mayor Sack made a motion, seconded by Councilwoman Hurd and unanimously carried, to move the vote to April 22, 2017.

16. Miscellaneous communications and reports.

Councilwoman Killian announced that at the Rye Town Park meeting on April 18, 2017 the NYU Capstone team presented their recommendations for the development of Rye Town Park.

17. New Business.

Mayor Sack stated that with regard to the City Council's August 2017 meetings being potentially problematic, he would recommend canceling those currently scheduled. Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to cancel the City Council's 2017 August meetings.

18. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the regular meeting of the City Council at 10:20 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk

Exhibit 8

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held
in City Hall on April 22, 2017, at 9:00 A.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

TERRENCE McCARTNEY
Councilmember

This meeting of the City Council was preceded by a joint meeting of the City Council and the Rye City School Board.

Mayor Sack made a motion, seconded by Councilman Mecca at 10:15 A.M., to adjourn into executive session to discuss litigation matters.

The Council adjourned from executive session and rejoined the public meeting of the City Council at 10:30 A.M.

Corporation Counsel Wilson read the proposed resolution.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

**RESOLUTION
DENYING
PROPOSED PLAN FOR PLACEMENT OF WIRELESS
FACILITIES**

WHEREAS, the City of Rye entered into a Right of Way Use Agreement with NextG Networks of New York, whose successor, Crown Castle East NG, Inc. (Crown Castle), has asked the City to approve a plan for placement of more than 60 DAS nodes within the City of Rye; and

WHEREAS, Crown Castle has applied to place wireless facilities in the rights of way pursuant to the RUA, and not Chapter 196 of the City Code; and

WHEREAS, there is a substantial question as to the continuing validity of the RUA; and

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WHEREAS, the City has nonetheless considered the request under the RUA as if it were fully enforceable according to its terms; and

WHEREAS, the RUA only extends to public ways of the City of Rye as defined in the RUA, and does not authorize placement of facilities by Crown Castle in any other location; and

WHEREAS, the RUA by its terms permits the reasonable review of any request and permits a more detailed review of requests that do not satisfy certain standards, and

WHEREAS, the City has determined that the project is subject to a positive declaration under SEQRA; and

WHEREAS, the basis for those determinations are incorporated into this Resolution by reference; and

WHEREAS, Crown Castle appears to contend that the proposed project is exempt under SEQRA, or that a negative declaration would be appropriate, and further appears to contend that the City is obligated by federal law to determine whether to grant or deny the request under the RUA; and

WHEREAS, in light of these contentions, the City believes it advisable to make a clear statement as to the action it would take based on Crown Castle's proposal as if the proposed project were exempt from SEQRA:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF RYE:

Section 1. This Resolution is made without prejudice to the right of the City to approve the project after completion of a SEQRA analysis, and reflects the view of the City as to the projects as proposed in Plans A, B and C, as summarized in Crown Castle's letter to the City dated February 24, 2017 (filed 2/27/2017), which the City understands are the only requests Crown Castle now asks that the City act upon.

Under Proposal A, there would be 73 installations, including two new poles; installation of facilities that do not comport with DoITT standards (DoITT standards are described below); and no placement of facilities on City Facilities.

Under Proposal B, there would be 64 DAS nodes, no new poles, installation of facilities that the company says would comply with DoITT standards, and no placement of facilities on City Facilities.

Under Plan C, there would be 64 DAS nodes, no new poles, installation of facilities that the company says would comply with DoITT standards on third party poles, and placement of facilities that do not comply with DoITT standards on City Facilities.

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Under *all* of the proposals, Crown Castle would allow Verizon Wireless to place equipment in the rights of way without Verizon Wireless obtaining the consent of the City.

Under *all* of the proposals, some of the facilities would be placed on County rights of way or on private property, although under Plan C, the company contends that it has moved DAS nodes to the extent practicable to avoid using properties other than City Public Ways.

Section 2. Assuming that the City is required by federal law to make a determination as of this date based on the plans before it, after considering the record before it and arguments raised, including the expert reports received by the City, and the staff recommendation, the City concludes that the requests for placement under Plans A, B and C should be denied, based upon this Resolution and for reasons set forth more fully in the Attachment to this Resolution, which is incorporated by reference.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca, Tagger-Epstein

NAYS: None

ABSENT: Councilman McCartney

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ATTACHMENT A

Section 1.

There are three proposals for placement of DAS nodes in the City, referred to as Plans A, B and C, and described more fully in the “Resolution Denying Proposed Plan For Placement Of Wireless Facilities.” Crown Castle appears to seek approval for at least one of the Plans in its entirety; it has not identified any nodes that are particularly critical, and we have no basis for assuming that if some nodes were denied and others approved, the project could move forward.

Section 2. Chapter 196 of the City Code.

By its terms, Chapter 196 would apply to the facilities installed by Crown Castle. Crown Castle never applied for any facility under Chapter 196. While it submitted some of the information required by Chapter 196 in connection with its request that the City approve filings under the RUA, it among other things did not submit information sufficient to address two issues that it is specifically required to address under Chapter 196, namely, whether there are higher priority locations (or less intrusive locations) that would satisfy service requirements; and whether there is a “need for the wireless telecommunications facility to provide service.” Based on the information in the record, including the information presented by Ronald Graiff, the information presented by Verizon and the information presented by Crown Castle and by the public criticizing the Crown Castle analysis, we conclude that this deficiency alone would mean the placement could not be authorized under Chapter 196 for Plan A, Plan B or Plan C.

Section 3. The RUA.

While there is substantial question as to the validity of the RUA to the extent it purports to exempt Crown Castle from otherwise applicable law for 25 years, the remainder of this discussion assumes that the RUA is valid, and considers whether, as requested by Crown Castle, Plan A, B or C should be approved pursuant to the RUA. The following Sections of the RUA are particularly relevant to the discussion of the RUA that follows:

a. “1.12: Public Way. “Public Way” means the space in, upon, above, along, across, and over the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes and places, including all public utility easements and public service easements as the same now or may hereafter exist, that are under the jurisdiction of the City. This term shall not include county, state, or federal rights of way or any property owned by any person or entity other than the City, except as provided by applicable Laws or pursuant to an agreement between the City and any such person or entity.”

b. “3. Scope of Use, Agreement - Any and all rights expressly granted to [Crown Castle] under this Use Agreement...shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Way exclusively or concurrently with any other person or entity and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect

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the Public Way. Nothing in this Use Agreement shall be deemed to grant, convey, create, or vest in [Crown Castle] a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Use Agreement shall be subject to the reasonable prior review and approval of the City except that it is agreed that no zoning or planning board permit, variance, conditional use permit or site plan permit, or the equivalent under the City's ordinances, codes or laws, shall be required for the installation of [Crown Castle's] equipment installed in the Public Way and/or on Municipal Facilities, unless such a process has been required for the placement of all communications facilities and equipment in the Public Way by all other telecommunications providers..."

c. "3.1 Attachment to Municipal Facilities. The City hereby authorizes and permits [Crown Castle] to ...install, operate, maintain, control, remove, reattach, reinstall, relocate, and replace Equipment in or on Municipal Facilities...A denial of an application for the attachment of Equipment to Municipal Facilities shall not be based upon the size, quantity, shape, color, weight, configuration, or other physical properties of [Crown Castle's] Equipment if the Equipment proposed for such application substantially conforms to one of the approved configurations and the Equipment specifications set forth in Exhibit A."

d. "3.2 Attachment to Third-Party Property. Subject to obtaining the permission of the owner(s) of the affected property, the City hereby authorizes and permits [Crown Castle] to enter upon the Public Way and...to attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace such number of Equipment in or on poles or other structures owned by public utility companies or other property owners located within the Public Way as may be permitted by the public utility company or property owner, as the case may be...A denial of an application for the attachment of Equipment to third-party-owned poles or structures in the Public Way shall not be based upon the size, quantity, shape, color, weight, configuration, or other physical properties of [Crown Castle's] Equipment if the Equipment proposed for such application substantially conforms to one of the approved configurations and the Equipment specifications set forth in Exhibit A...."

e. "3.3 Preference for Municipal Facilities. In any situation where [Crown Castle] has a choice of attaching its Equipment to either Municipal Facilities or third-party-owned property in the Public Way, [Crown Castle] agrees to attach to the Municipal Facilities...."

Section 4. RUA Analysis.

(a) Several of the facilities proposed to be installed are not located in public ways of the City; some are on private property (particularly, Loudon Woods), and some are on County rights of way. Those uses are not governed by the RUA, but are governed by *inter alia*, Chapter 196. Crown Castle never filed an application for those facilities. Those facilities cannot be approved under the RUA, and because no application was filed as required by Chapter 196, and the information presented would not justify a special use permit, the request for those facilities must be denied under Plans A, B and C. Crown Castle contends that it has separately received an authorization to place facilities in the rights of way by virtue of a permit authorizing construction in the rights of way, issued by the County and counter-signed by the City Engineer. The

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argument is not relevant to the question of whether the nodes can be approved under the RUA. Moreover, in our view, a permit for construction is not a substitute for a land use approval where required; the construction permit and special use permit processes are distinct.

(b) The installations are proposed to serve Verizon Wireless. Verizon Wireless will own facilities that will be managed by Crown Castle and will be connected to the node equipment owned by Crown Castle. Verizon Wireless does not have consent from the City to place facilities in the rights of way. Crown Castle proposes to overcome this deficiency by effectively granting franchise rights it holds to Verizon Wireless. The City has notified Crown that this is a violation of the RUA, and Crown Castle is now in a cure period under the RUA. There is no basis for authorizing installation of the facilities under Plan A, Plan B or Plan C until and unless the deficiency is cured, as the rationale for construction of the facilities is based on the particular requirements of Verizon Wireless.

(c) (1) The RUA Exhibit A, referred to in the quoted RUA language above, incorporates the NYC DoITT standards for wireless placement. In 2011, those standards, among other things, provided that a wireless provider could install:

“An equipment housing with a volume no greater than 2.8 cubic feet (i.e., 4,840 cubic inches). Equipment housings that are of a volume no greater than 2.8 cubic feet, but that are not “sub-sized housings” under subsection (b) below are referred to in this Agreement as “standard housings”. Standard housings shall have a maximum width (i.e., a maximum horizontal dimension, perpendicular to the pole and parallel to the ground) of eighteen inches unless a substantial operational need for a larger width is demonstrated to the satisfaction of DoITT and the City’s Department of City Planning (“DCP”). Any determination of satisfaction by DoITT and DCP pursuant to the preceding sentence may be in the form of an approval of a specific Street Pole use proposal or may be made in more generic form covering all or a category of Street Poles or potential installations, as DoITT and DCP may determine.

An equipment housing with maximum dimensions of 13 inches by 9 inches by 4 inches (that is, no more than thirteen inches in its longest dimension, nine inches in its second longest dimension and four inches in its shortest dimension).”

(2) Under Plan A, and under Plan C with respect to the municipal facilities, the installations do not comply with DoITT specifications. Under the February 24, 2017 submission proposes installation of equipment boxes at 42 x 24 x 12, (approximately 7 cubic feet) with a RF warning sign (indicating that the installation is no longer RF safe) which, according to the drawings submitted, are at a level possibly as low as 5’7” and no higher than 8’6. In considering the request under Plan A, and under Plan C with respect to Municipal Facilities, the City first must consider whether the larger boxes “substantially conform” to the DoITT standards. We conclude that they do not. As the photographs in the record and the model installations suggest, the large facilities are significantly larger and more visible than the “standard” DoITT equipment (2.8 cubic feet v. 7 cubic feet) or the smaller DoITT equipment. The size differential is particularly significant for placements in rights of way bounded by single family residential

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units. Having determined the difference is substantial, the City may consider size, quantity, shape, color, weight, configuration, or other physical properties of the proposed installations. While the City desires for facilities to be placed on Municipal Facilities per the RUA, after viewing the drawings and the differences between the facilities that meet the DoITT standards and those that do not; the proposals that do not comply with the RUA appear significantly different for reasons suggested above, and especially given the number proposed to be installed, and because there may be alternatives that could obviate the need for the facilities. In addition, the record suggests that there may be noise issues that are greater with the larger facilities than with the DoITT approved facilities.

(d) Even setting aside the issues identified in Sections 4(a)-(b), Plan B fails because it does not include any consideration of Municipal Facilities as required by the RUA.

(e) That leaves the question as to whether the City should approve the facilities under Plan C that are consistent with the DoITT standards (essentially, that is, the Plan B facilities minus the facilities where a municipal structure provides a substitute). For reasons already suggested, we think the answer is “No.” But in addition, we believe denial of Plans A, B and C is justified for the following reasons:

(1) Installation is subject to the City’s “reasonable prior review and approval” under Section 3, although there are several factors that the City may not consider in reviewing a request to install facilities, quoted in Sections 3.1 and 3.2. However, we note that Section 3 specifically contemplates that the agreement shall not be interpreted to allow Crown Castle to effectively monopolize available space in the rights of way – that is, it is intended to ensure that the rights of way remain available to all. We think as part of the City’s review it is therefore important to ask whether the facilities – regardless of how many may be requested or their physical configuration – are needed at the locations proposed to provide service. In this case, as discussed above and as the report of Mr. Graiff suggests, the company has not provided the information that would permit the City to determine how many, if any, of the facilities are needed. We note that Verizon Wireless contends that there is a significant gap in service, or significant capacity issues that justify placement of the DAS nodes. However, the data is at best equivocal in this regard. In addition to data problems identified by Mr. Graiff, the drive data prepared by Crown Castle appears to show that adequate signals are available in areas where Verizon Wireless claims capacity problems – but Verizon Wireless only claims capacity problems in a single frequency (700 MHz) and does not claim it has capacity problems at 2.1 GHz where the drive data appears to show signal is available at what Mr. Graiff explains are typical network standards for Verizon Wireless. The capacity data Verizon Wireless did provide appears to show an immediate capacity problem in one sector served by one antenna within the City (the geographic areas served by specific antenna sectors for which capacity problems are claimed are not identified). Several other locations have no capacity problems, or are only anticipated to have capacity problems years from now. Moreover, Verizon Wireless claims it has not activated spectrum that is available to it (1.9 GHz).

In what we believe is also an effort to show a need for the facilities proposed, Crown Castle submitted a table showing projected daily traffic data for select roads in Rye, apparently derived from New York State data available at <http://gis3.dot.ny.gov/html5viewer/?viewer=tdv>.

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The information does not show that the DAS nodes are located on the road segments that are referenced by Crown Castle, or show that the traffic levels are significant. More importantly only 18 of the 64 nodes are on the roads that Crown Castle seems to suggest are highly trafficked, and the data Crown Castle and Verizon Wireless submitted does not show that the DAS nodes are positioned to serve those roads. Many of the nodes appear designed to serve very small areas (see, for example, Plan A, Node 2-062 and Node 2-011).

(2) As suggested by the City's SEQRA determination, there may be noise issues associated with the Plan C facilities that have not been addressed.

(3) There appears to be a substantial contractual dispute between Crown and the City. The City views the RUA, if valid, as contractually limiting the company to installing facilities that substantially conform to DoITT standards, absent an approval process that would permit the City to consider various physical factors prior to modification. Crown Castle, as we understand it (based in part on information submitted for hearing on April 19), contends that it may expand the facilities any way it desires after the initial installation, or alternatively that any right of review by the City has been preempted by 47 U.S.C. Section 1455. Legally, the latter conclusion is suspect. The FCC's Order interpreting that provision noted that it did not apply where "local governments enter into lease and license agreements to allow parties to place antennas and other wireless service facilities on local-government property...We find that this conclusion is consistent with judicial decisions holding that Sections 253 and 332(c)(7) of the Communications Act do not preempt "non regulatory decisions of a state or locality acting in its proprietary capacity." If Crown's view of the preemptive scope of federal law were correct, it is hard to imagine that the contract itself could survive, since its basic purpose – limiting what may be installed – could no longer be served. Given this dispute, we think it unreasonable to approve the proposed installations under Plans A, B or C.

Section 5. Conclusion.

Based on the information before us, and to the extent we must make the determination now, we conclude based on the record and considering the arguments made, that Plans A, B and C cannot be approved as currently formulated under either the City Code or under the RUA. Each of the reasons for denial justifies denial whether considered individually, or collectively.

Exhibit 9



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November 14, 2017

BY ELECTRONIC & OVERNIGHT MAIL

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City of Rye
Attn: Mayor Sack
Rye City Hall
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Re: Notice of Breach of Right-of-Way Agreement Dated February 17, 2011 ("RUA")
Between City of Rye ("City") and Crown Castle NG East LLC ("Crown Castle")

Dear Ms. Wilson and Mayor Sack:

This letter is formal notice on behalf of our client Crown Castle that the City has and continues to breach multiple provisions of the RUA. The specific breaches are as described in the following paragraphs.

As you are aware, § 3 of the RUA prohibits the City from requiring Crown Castle to obtain zoning or other permits for equipment identified in Exhibit A of the RUA from any City agencies unless such permits and processes are required and equally applied to all similarly situated utility providers that install communications equipment on poles in public rights of way ("ROW"). Section 3 of the RUA specifically provides:

Any work performed pursuant to the rights granted under this Use Agreement shall be subject to the reasonable prior review and approval of the City except that it is agreed that no zoning or planning board permit, variance, conditional use permit or site plan permit, or the equivalent under the City's ordinances, codes or laws, shall be required for the installation of [Crown Castle's predecessor] NextG's Equipment installed in the Public Way and/or on Municipal Facilities, unless such a process has been required for the placement of all communications facilities and equipment in the



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Public Way by all other telecommunications providers, including but not limited to the ILEC and local cable provider(s).

For equipment installed on existing utility poles, § 5.1 of the RUA further requires that Crown Castle provide a list of proposed pole attachment locations prior to deployments and grants a thirty-day default approval period with respect to such locations. That section also provides that Crown Castle may be subjected to a permitting review process and charged permit fees, "so long as the permit fees and process that the City requests of NextG are functionally equivalent to the fees and the process that are applied to the ILEC and/or the cable provider(s)."

Crown Castle has confirmed, and the City previously acknowledged that the ILEC and cable providers never have been required to obtain any permits from the City for installations in the ROW. Crown Castle's October 2016 and February 2017 installation plans (referred to as Plan B or Plan C in the proceeding before the City Council) propose conforming equipment pursuant to Exhibit A of the RUA and are all located on existing utility poles and/or City owned traffic lights. Indeed, such installations are permitted by the very terms of the RUA without the requirement for City Council or other agency discretionary review processes not otherwise applied to communications companies like the ILEC and cable providers.

The City's refusal to acknowledge Crown Castle's requests filed pursuant to the RUA and statements by City representatives that such installations are prohibited constitute breaches of Sections 3 and 5 of the RUA¹

As you are also aware, § 11.1 of the RUA also provides that Crown Castle's equipment identified in Exhibit A of the RUA is "Type II" and exempt from environmental review under the State Environmental Quality Review Act. Specifically, § 11.1 of the RUA expressly provides that Crown Castle's facilities are

[F]unctionally equivalent to Type II actions under 6 N.Y.C.R.R. 617.5(c)(11)" and that any environmental review required by the City be "the same that the City requires of all other telecommunications providers, including but not limited to the ILEC and the cable provider(s), for their installation of any facilities or equipment in the Public Way.

Crown Castle previously confirmed with the City that no prior communications installations in the ROW were classified as unlisted under SEQRA. Under the plain terms of the RUA, the City was required to treat Crown Castle's requests in the same manner. The City has not done that.

The City's requirements that Crown Castle prepare environmental assessment forms in 2016 and the City Council's subsequent misclassification of the action before it as unlisted and not Type II

¹ See also pleadings in Crown Castle's complaint filed in Case 7:17-cv-03535 on May 11, 2017 in the Southern District of New York.



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under the New York State Environmental Quality Review Act ("SEQRA") in April of 2017 are breaches of Section 11.1 of the RUA.

The City continues to breach Crown Castle's rights under the RUA in other ways, including proceeding with a SEQRA review that requires an environmental impact statement be prepared pursuant to a final scoping document approved by the City Council on October 18, 2017. The City's latest action in adopting a final scope and pursuing the SEQRA review process, when Crown Castle has requested acknowledgment of installation plans that conform to Exhibit A of the RUA, constitutes a further breach of the RUA. The final scope further breaches Section 11.1 of the RUA by requiring, as a condition precedent to acknowledging Crown Castle's right to install equipment depicted in Exhibit A of the RUA pursuant to Sections 3 and 5 of the RUA (referred to as Plan B or C in the proceeding before the City Council), that Crown Castle study and prepare an environmental impact statement for installations that: (1) the City may not legally require Crown Castle to analyze pursuant to SEQRA or the RUA; or (2) are not under Crown Castle's control.

Crown Castle requests the City cure its default under the RUA by acknowledging through an authorized representative of the City pursuant to the RUA that Crown may install equipment identified in its Plan B or Plan C filings pursuant to the RUA and without the need for a specific approval or permit issued by the City Council and/or other City agency. Crown Castle intends to vigorously pursue all available remedies and damages caused by the City's intentional and ongoing breaches of the RUA.

Very truly yours,

Christopher B. Fisher

cc: City of Rye City Council
Crown Castle NG East LLC